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HANSARD'S

PARLIAMENTARY DEBATES.

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

24° & 25° VICTORIÆ, 1861.

VOL. CLXIII.

COMPRISING THE PERIOD FROM

THE TWENTY-THIRD DAY OF MAY, 1861,

TO

THE TWENTY-SEVENTH DAY OF JUNE 1861.

Third Volume of the Session.

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IV. NEW MEMBERS SWORN.

MONDAY, JUNE 3.

Flint County.—Lord Richard Grosvenor, *v.* Honourable Thomas Edward Mostyn Lloyd Mostyn, deceased.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

THIRD SESSION OF THE *EIGHTEENTH PARLIAMENT* OF THE
UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*
APPOINTED TO MEET 31 MAY, 1859, AND THENCE CONTINUED
TILL FEBRUARY 5, 1861, IN THE TWENTY-FOURTH YEAR OF THE
REIGN OF

HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF COMMONS,

Thursday, May 23, 1861.

MINUTES.] PUBLIC BILLS. — 2° Boundaries of Burghs Extension (Scotland) Act Amendment. 3° Landed Property Improvement &c. (Ireland).

SUPPLY.—COMMITTEE.

LORD **JOHN RUSSELL** stated that, in consequence of the count-out on Friday last, it was necessary that he should move that the House immediately resolve itself into a Committee of Supply.

Resolved, That this House will immediately resolve itself into the Committee of Supply.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

THE DOCKYARDS.—RESOLUTION.

SIR **FREDERIC SMITH** rose to call the attention of the House to the Report of the Commissioners appointed to inquire into the Control and Management of Her Majesty's Naval Yards; and to move—

> "That it is expedient that such reforms should be made in the control and management of the Naval Yards as will tend to promote greater efficiency, and, consequently, to ensure greater economy in those establishments."

The Commission to whose Report he desired to draw the attention of the House was appointed to inquire into the state of our naval yards; it was composed of very able men; it sat for a considerable period; and it examined no fewer than seventy-two witnesses, to whom 11,299 questions were put. He ventured to assert that there was not one of the witnesses who did not admit that the management of our dockyards was inefficient; the evidence accumulated proofs of everything that was stated in the Report of the Commissioners. It appeared that there was no harmony of action between the leading officers of the dockyards. The Controller of the Navy, who was responsible for the management, had no control over the Storekeeper; in fact, between these two officers there was scarcely any communication which could lead to accurate proceedings. The accounts, though minute, were mystified and irregular, and, as stated by some of the principal witnesses, they were of little or no value for any practical purpose. To show the House how true this was, and how long the system described had existed, he would quote some of the evidence given before the Commission; among others that given by the right hon. Baronet the Member for Carlisle (Sir James Graham). The right hon. Baronet stated to that Commission that so little control was there over the appropriation of the public money that, while he was First Lord of the Admiralty, or before he was First Lord, a large building was erected, for which no Vote was given by the House, and of which, in point of fact, the House was not even informed. The right hon. Baronet stated, moreover, that this state of things still continued, and that there was no check against such an enormity recurring. There was similar evidence given by the Accountant General of the Navy, Sir Richard Bromley, that, though the House of Commons had details of small sums—of £100, £200, £2,000, and so on—they were not aware that the Accountant General had no means of knowing whether a ship cost £120,000 or £220,000. This was not the case in any mercantile firm. A mercantile firm would be ruined if its accounts were kept in that way. There was also this striking and startling fact in the evidence of the late Controller of the Navy (Sir Baldwin Walker), that at various times after his programme had been approved by the Board of Admiralty and he had sent orders to the dockyard to commence a certain vessel then for the first time. He discovered that the materials for the vessel he had ordered were not in store; and he stated further, that on several occasions, for want of seasoned timber, works were stopped, and that on other occasions unsound timber had been used in the construction of ships of war. Now, this was a state of things deeply to be regretted and deplored. He did not know what answer his noble Friend opposite (Lord Clarence Paget) would give to the Motion before the House. He might say that the evidence did not bear out the recommendations of the Commissioners, or he might state that a Committee was now sitting upstairs on the constitution of the Board of Admiralty, or he might assert that it was the intention of the Government to carry out many of the recommendations of the Commissioners. He only hoped he might hear this latter statement from his noble Friend opposite; but, with regard to the examination by the Committee upstairs into the Board of Admiralty, this had not much to do with the question now before the House. If the noble Lord should say there was not sufficient evidence to support the recommendation of the Commissioners, on that point he joined issue with the noble Lord. He should be very reluctant to bring forward a blue book containing 11,229 questions, or to quote much from it; but there were a few answers that he should like to read to the House. Not many Members had time to read the whole of the evidence and the Report. Probably the noble Secretary of the Admiralty had not been able to examine it minutely. But it was a question of such importance to the country, to the taxpayers, and to the House of Commons, that it ought to be thoroughly sifted and examined; and he hoped he should obtain the indulgence of the House for a few minutes, while he brought forward some of the recommendations of the Commission. One change recommended by his noble Friend the Secretary of the Admiralty himself was that there should be another Lord of the Admiralty specially charged with dockyard management. In that he (Sir Frederic Smith) agreed; and he regretted that this was not recommended by the Commissioners, for it would solve one of the great difficulties at present existing, by putting the Controller of the Navy in perfect harmony with the Storekeeper. It was recommended by the Commissioners that the Storekeeper General should be placed under the Controller. Probably his noble Friend would tell him that the Controller would be sorry to have that responsibility placed upon him. He certainly had a great deal to do at present; but he (Sir Frederic Smith) thought the point of so much importance that he doubted if the House would begrudge one or even two additional Lords if such an advantage could be attained. What the House wanted, and what the country wanted, was that their money should be well spent, that they should know how it was spent, and that they should get their money's worth for their money. But this was not the case at present. For instance, take the manner in which contracts were made:—it was done in a very slovenly manner. For instance, let us look at the case of the *Warrior*. The *Warrior* was a vessel of an entirely new construction. The drawings were prepared by the Surveyor of the Navy, and by him sent out to certain builders calling upon them for tenders. He was about to propose that his noble Friend opposite should institute a system by which there should be an estimate of all the great ships we construct. He trusted that his noble Friend would not say it was not possible to draw out these estimates, because if he did he (Sir Frederic Smith) would join issue with him on that point also. Well, then, if it were possible to prepare such estimates, we ought to have them. If it should be said that the preparation would occupy some time, then he said the course taken with regard to the *Warrior* was most improper. The ship was most difficult of construction; everything about the vessel was quite new; the iron was of unusual dimensions; the scantlings were the largest ever known—in fact, the whole of the work was quite of a new character. Well, how long did the House suppose the builders were allowed to make up their minds as to the price they would charge for different portions of the work? A month? No. A week? Not a week. Four clear days only was the time allowed for all their calculations. One was not, then, astonished to find that alteration after alteration was made in the *Warrior* with vastly increased cost as the consequence; all because sufficient time was not allowed at first. In fact, it was impossible for any set of men to make in four or five days, or, in fact, in four or five weeks, an accurate tender for such works as those of the *Warrior*. Some calculations must have been made also by the Admiralty; else how could an opinion be formed by the Controller with regard to the prices of the tenders? The lowest tender was not the one accepted. And why was that? Because the builders offering the lowest tender required sixteen or eighteen months for the completion of the vessel; whereas the tender which was accepted was for the work to be completed in eleven months. The lowest tender was thrown aside and another accepted at 50*s.* a ton higher, because the contractor undertook the ship in eleven months, whereas the contractor whose tender was the lowest required eighteen months. But was the *Warrior* built in eleven months? No, nor in twenty-four. In fact, it must have been evident on the slightest consideration that it could not be done, the *Warrior* being the first of the kind, and a pattern of her class. Another blunder was in not allowing the contractor to get his iron beams where he liked, but insisting on his taking them of the Butterley Company. Then take the case of the gunboats. Of the 276 gunboats mentioned in the book now in the hands of hon. Members only 27 were built which did not require alterations. And these alterations, of course, involved increased cost, and the country was the loser. The most startling paragraph in the Report was this:—"We regret to state that in our opinion the control and management of the dockyards is inefficient," and this inefficiency the Commissioners attribute to "the constitution of the Board of Admiralty, the defective organization of the subordinate departments, and the want of clear and well-defined responsibility." Now, after the number of years our dockyards have been carried on, and considering the number of able men who have been at their head, one was astonished to hear such a statement in the Commissioners' Report. The right hon. Baronet the Member for Carlisle (Sir James Graham) made some improvements in the dockyards while he held the office of First Lord of the Admiralty, for which the country was indebted to him; but, then, he told us, in his examination before the Commission, that an entire building had been constructed without any authority whatever. And then the Commissioners went on to say that in their opinion that inefficiency was caused by the constitution of the Board of Admiralty; and Sir Baldwin Walker testified to the want of control over the subordinate departments. The Commissioners complained of the general want of control and well-defined responsibility, and Sir Baldwin Walker repeated this over and over again in his evidence. The Report further stated that there were no means of checking the expenditure, and Sir Baldwin Walker and Sir Richard Bromley gave evidence on that point. Sir Baldwin Walker, the late Controller, said that during the thirteen years he had held that office he had seen six or seven changes in the general management of the dockyards, each new officer altering what had been done by his predecessor. It appeared from the evidence that it was competent for one member of the Board to give the order for large works without the knowledge of the First Lord, and it was competent for two members of the Board to alter contracts without the authority of the Board. Sir Richard Bromley said he had known fifteen First Lords since 1829, and altogether as many as ninety-seven changes in the Board of Admiralty. It really was, then, time that some well-organized system was settled, by which these unfortunate changes should be avoided. He thought there should be a Minister of Marine, who should be held responsible for the control and management of the dockyards. The dockyards should be looked upon as a large manufacturing establishment for the building and repairing Her Majesty's ships; and the Minister should have the appointment of the Controller, not for his own tenure of office only, but during the good conduct, or during the life of the person appointed. The Commission recommended that the Controller General should have the appointment of Superintendents of the dockyards; but here he differed from them, and he thought these appointments should be in the hands of the First Lord. The suggestion if adopted would be likely to saddle the country with an unnecessary number of officers. The Report proceeded to set out complaints which were general in the dockyards as to the mode in which the stores were kept. Sometimes the complaint was that the article required was not to be found; in others, the timber was deficient and of bad quality, or was not supplied according to order. Sir Baldwin Walker gave evidence on this point. Then the Commissioners said, with regard to the accounts, that "the system of accounts is elaborate and minute, but as far as we can judge its results are not to be relied on for any practical purpose." The accounts not trustworthy! It was really a great pity that there should be a management to produce such results. Then the Commissioners went on to say that the Accountant General said he could, if he were permitted, put the accounts on a better system, but then he must have an increased number of clerks. Well, how many had he now? Why, no less than 177. He (Sir Frederic Smith) could not imagine what he could want with a larger staff. He rather thought it was the number that created the difficulty, and that if 100 were taken off, and the work done with the remaining 77, it would be better done. Not that he wished to discharge any of the present corps; but he really thought that as they died off the vacant places should not be filled till a great reduction had been arrived at. Why, in the different Departments in the Metropolis there was a whole army of clerks; and if the Admiralty and War Office clerks alone were armed with rifles, and sent to the outskirts of London, they would form a respectable force for its defence. Altogether there were 650 clerks in the Admiralty, and to be told that the accounts could not be efficiently kept because there was not a sufficient number of clerks to do the work, did seem extraordinary. The Commissioners went on to say that the Accountant General had never had the control of the Dockyard accounts since 1832. Next, that the valuation of the stores was made in the office of the storekeeper, but was not checked in any way. In point of fact, the audit at present instituted was of no kind of use. It was an internal audit; and an audit to be effectual ought to be external. The opinion had been repeatedly expressed that large retrenchments might be effected in the present Dockyard expenditure, and he hoped his noble Friend would tell them what improvements they were which were to be productive of economy; for the House was entitled to have the work done at the least possible cost. It was not enough to say that there was no peculation. He agreed with his noble Friend that there was none; but unless they could infuse into the different Dockyards the spirit of economy nothing could be done. The inquiry recently made showed the system to be defective in many points. One defect seemed to him to be that the experienced men at the head of the building department in our Dockyards were not now called upon to make drawings and plans for the ships which they constructed, although they were quite competent to do so. These drawings and plans were now made by one man or in one central department; but if the Dockyard builders were allowed to make them, it would, he thought, produce among them a spirit of emulation and of rivalry which would lead to ships being not only well built, but economically built, and would altogether be productive of the best results. At present there was no proper control over the expenditure of the navy. They ought to have an estimate of what every ship was expected to cost, together with an account of its actual cost, and they ought to require a strict account of the reason if the actual exceeded the estimated expense. But there was no man in the House, and scarcely any man out of the House, who could imagine how the work was apportioned out to the workmen. He remembered that in the year 1825 he was appointed to superintend a department in the Tower, and soon after his appointment the clerk of the works asked him to come down to the Tower, as he could not find work for the men. His answer was, "Why I thought the proper course would be be supply men for the work, and not work for the men." But he was told, "Oh, no, that is not the practice here; we first engage a certain number of men, and then our business is to find work for them." He said he would certainly alter that practice, and he would begin by reducing the men now engaged. Oh, but, he was told, he could not do that, for the men were all Queenborough voters. That was the system in 1825; he hoped there was nothing of that kind now. But he might read an extract from the evidence of the right hon. Baronet the Member for Carlisle, who stated that one of the buildings at Devonport—a very useful one—was built without the sanction, he might say without the knowledge, of Parliament; certainly they did not know out of what fund the money was taken to defray the cost, which was the Vote for Victualling. If that was the state of things, it was surely time to make inquiry. Again, in order to show the want of proper communication between the departments, Sir Baldwin Walker stated that there were many things of which he ought to have been informed, but which were brought to his knowledge for the first time by his reading them in *The Times*. Another point Sir Baldwin Walker had very strongly insisted on was the want of the necessary control over the Dockyards. A very extraordinary question was put to the builders in several of the Dockyards, as to whether they felt themselves at liberty to make suggestions upon the designs of vessels submitted to them from which to build. They one and all answered that they should not think of such a thing, for they knew they would be told to mind their own business. He thought this was not a right state of things; for, however able Mr. Watts might be, there could be no harm in having other opinions. He also objected to the present practice of the tenders being opened by the Controller of the Navy, and throwing upon him the responsibility of advising the Board which tender should be accepted. This was a very invidious position to place him in. As he had before stated, in the case of the *Warrior*, the lowest tender was not taken. The alleged reason for that was that while the contractor employed undertook to construct the *Warrior* in eleven months, the party offering the lowest estimate required sixteen or eighteen months. Now he thought the Admiralty ought to have made time an element in the contract itself, so that all builders might have been placed on the same footing, and might know what they had to expect.

MR. LINDSAY seconded the Amendment.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'it is expedient that such reforms should be made in the control and management of Her Majesty's Naval Yards as will tend to promote greater efficiency, and consequently to insure greater economy in those establishments,'"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR MICHAEL SEYMOUR admitted the great importance of the subject, but said that the great difficulty of this question was to decide the particular reform which should be adopted. The question had been much discussed in Parliament for many years past, and had been considered by various Commissions and Committees—there was a confidential Report on the Navy in 1848; there was a Report of a Committee on the Army, Navy, and Ordnance Estimates; and since then there had been several Committees on the states and managements of our Naval Arsenals and Naval Expenditure—but no proper system of dockyard accounts had yet been adopted. He had no doubt, however, that the Accountant General, with the advantage of the able Report just made, would be competent to introduce very efficient reforms; but having been himself at the head of two dockyards he knew the difficulty of the subject, and great caution ought to be exercised in entering on a system of accounts which, while it added greatly to the cost of the establishment, might not furnish the remedy which was required. In 1853 a new system of manufacturing account-keeping was introduced into Her Majesty's dockyards, which led to the employment of an increased number of clerks and of course to increased expense; but, as it seemed to have no reference to the annual audit, he never could see the advantage of it. As for naval expenditure, that was a matter which we could not shrink from, whilst not only France but the United States are largely increasing their naval expenditure. There had been numerous instances of important aid in building ships being afforded by private yards, and, as an Englishman, he was proud that the country possessed firms which could assist the Government in cases of emergency. The mode of keeping accounts in France was inquired into about the year 1851, and in consequence of those inquiries a better system was substituted. As to the estimate for ships to be built, he thought the best groundwork was to be found in the actual cost of ships already built. Although they might lay down ships of the same class and of the same character in the same yard, there must be a difference in their cost, on account of the varying cost of materials and labour. The *Warrior* was a great and new experiment, and he was not able to express any opinion as to the cost, but he hoped accurate accounts would be kept of the cost of the iron ship ordered to be built at Chatham, which would afford valuable data for future reference. He thought the Accountant General was perfectly qualified to determine what accounts should be furnished, but he could not conceive it necessary to go into details to the extent of returning to the Admiralty elaborate accounts of the repairs of the innumerable articles which are repairable and kept in store for reissue. He concurred in the importance of keeping full and clear accounts, but he was not prepared to say that minute details though duly recorded, should be carried forward when they do not form the basis of annual audit.

LORD CLARENCE PAGET: I am very much obliged to my hon. Friend the Member for Chatham for bringing the important subject of the control and management of Her Majesty's dockyards under the notice of the House. But he has not quite done justice to me in assuming that I am opposed to the Report of the Royal Commission. I have made no remark with regard to that Report, beyond expressing my approval of it and my regret that marginal references, by which Members might more easily refer to the evidence upon which the recommendations of the Report are founded, have been omitted.

SIR FREDERIC SMITH said, he had made no comments on the subject.

LORD CLARENCE PAGET: The hon. Gentleman, I thought, rather assumed that I was opposed to that Report. [SIR FREDERIC SMITH: No!] All I can say is that, so far from it, the Admiralty are extremely obliged to the Commissioners for their valuable and able Report, and for the careful consideration which they have given to this important subject. The Report contains a number of very important recommendations; and, first of all, with regard to the constitution of the Admiralty. It is obvious, however, that, as the subject is now under the consideration of a Committee composed of the most able Members of the House, it would not be advisable for the Admiralty at this moment to make any changes in the constitution of the department as regards the control and management of the dockyards, even if they deemed any necessary. I come now to the recommendation of the Commission, which it is in the power of the Admiralty to give effect to at once, namely, the important question of accounts. There is no doubt that the accounts of the ship-building departments have not been kept in a satisfactory manner. I make that statement without implying any disparagement of the officers of that department. I am bound to say that I do not think the Commissioners for a moment entertained the idea that there had been any mal-practices in regard to pecuniary matters. The object of the Commissioners was to point out the necessity of keeping the accounts in such a form that the Admiralty and the House of Commons should know what each ship in the navy costs the country. There are, undoubtedly, great difficulties in doing so. If we turn to the French accounts we find that they are complicated by excessive minuteness of detail, and that they are attended with the further drawback that they cannot be produced till two years after the transactions to which they refer. What the Commissioners desire is that the Admiralty should be enabled annually, as soon after the close of the financial year as possible, to present to the House an account of the cost of every ship in Her Majesty's dockyards during the past year. With the view of carrying out the proposal of the Commissioners the Accountant General, who well deserves the encomiums which my hon. and gallant Friends the Members for Chatham and Devonport have passed upon him, has, at the desire of the Board of Admiralty, prepared a form of accounts by double entry, and devised a scheme by which all the bookkeeping and acounts of the ship-building departments shall be entirely committed to the charge of one officer and an assistant at Somerset House. These accounts will thus be brought into one focus at the Admiralty, and from these accounts an annual statement will be made to Parliament of the public expenditure for ship-building. This proposal, which I am happy to say involves not much expense, has been submitted by the Admiralty to the Treasury; I have little doubt that the Treasury will agree to it, and that within a few days this great reform will be commenced. My hon. and gallant Friend, in referring to the system of contracts, is in error in stating that the responsibility of inviting parties to make tenders for Admiralty contracts, and of deciding which tender shall be accepted, rests upon the Controller. That is not so. The fact is that the Controller only submits a list of names to the Board, from which they select those who are to be invited to compete, according to their own judgment; and when the tenders are sent in it is for the Board, and not the Controller, to decide which shall be accepted. I admit that there is much difficulty connected with the time-contracts to which my hon. and gallant Friend referred. In the case of the *Warrior* there were other tenders which were less than that which was accepted; but the contractors who got the order for the vessel undertook to build it within a shorter period than any of the others. I can quite understand that the Board of Admiralty, under the urgent circumstances of the case, should deem it advisable to accept a tender rather higher than some of the others, in order to get the vessel as soon as possible. It has not been completed within the specified time; but it is certainly not the fault of the late Board, nor of any department of the Admiralty, that the contract has not been fulfilled. The case of the *Warrior* is a very peculiar one. It is a vessel on an entirely novel plan, and its construction has necessarily been attended with many difficulties. My hon. and gallant Friend has said, with a great degree of truth, that every consideration should be given to all the details of such a vessel before its commencement; but it is almost impossible, in dealing with a new class of vessels, where we have had no experience to guide us, to avoid changes in the original plan. As I stated on a former occasion, certain necessary alterations were ordered by the Admiralty in the *Warrior*, as to ports and other details; and, while I cannot hold the contractors blameless, I must admit that there were reasons for the delay which has taken place in the completion of the vessel. It is quite true, as my hon. and gallant Friend has said, that some of the dockyard officers, in their evidence before the Commission, unite in stating generally that any proposals which they have submitted to the Admiralty for improvements in shipbuilding have not been encouraged. I believe that the Admiralty would be wise to call together the master shipwrights and other officers of the dockyards, and gather their opinions on questions of difficulty; and I may mention that some of these officers have already been desired to submit plans to the Admiralty for vessels for the defence of the coast. My hon. and gallant Friend seems to hold that what we want is not men for the work, but work for the men. I can assure my hon. and gallant Friend that in the dockyards, so far from our having too little work for the men, the arrears of repairs of ships have accumulated greatly, owing to the large amount of building which has taken place within the last few years. We have a very large body of men now employed on repairs which ought to have been effected a considerable time since. My hon. and gallant Friend, in referring to the evidence of my right hon. Friend the Member for Carlisle (Sir James Graham) before the Commission, spoke as if the Admiralty had power to construct public works without the sanction of Parliament. It may be perfectly true that the Victualling Yard at Devonport was built in a great measure without the control of Parliament; but times have changed very much since that was done. The Admiralty have now no power to commence any work without the sanction of the Treasury. That is a great check, to which my hon. and gallant Friend did not allude, and it constitutes a great difference between the present times and those during which the Admiralty had the power of constructing works without any control or sanction. It is also said that the late Controller made complaints that he had no control as to the stock of timber in the dockyards. I believe that there was some justice in those complaints. There has been great inconvenience experienced, but it has arisen from this fact, that our departments are separated, and that, whereas they ought to be all under one roof and in daily communication with each other, we have the Controller of the Navy at Whitehall, while the Storekeeper, an officer intimately connected with him in all busness, is at Somerset House. Constant communication between those officers has ceased from the day on which the Controller was removed to Whitehall. It is one of the recommendations of the Commission, in which I heartily concur, that the departments should be re-united. The Admiralty is a great war department, and although we may struggle on in time of peace, yet if war broke out to-morrow it would be found absolutely necessary that all its parts should be brought under one roof. This matter is considered by the Board of Admiralty to be so important that we are already in communication with the Treasury upon the subject, and I hope that before long a great and beneficial change will be made. The hon. and gallant Admiral the Member for Devonport (Sir Michael Seymour) thinks that the recommendation of the Commission, that there should each year be laid upon the table an estimate of the cost of ships to be built, could not be carried out. I differ from him. I believe that it can be done; but it can only be done when you have a correct account of what ships cost; therefore, if I were now to lay upon the table an estimate of the cost of what we propose to do this year it would be only deceiving the House. My noble Friend the Duke of Somerset has, in order that we may comply with the general wish of the House that we should give all the information which we can, empowered me to give a sort of rough estimate of what we are really going to do, and that estimate I shall be glad to communicate to the Committee when we get to Vote 10. I cannot oppose the Motion of my hon. and gallant Friend. At the same time, I do not think it is necessary, because it is the desire of the Admiralty to carry out the recommendations of the Commission, and as I understand that if it is carried we shall not, by the rules of the House, be able to go into Committee of Supply to-night, I hope that he will not press it.

Admiral WALCOTT: I see most clearly that the gallant Officer (Sir Frederic Smith) who has introduced the present subject of discussion to the attention of the House, has devoted a careful and patient perusal to the Report of the Royal Commissioners appointed to inquire into the control and management of the Naval Yards. He has deduced several very important points for consideration on the part of Government with respect to the future administration of those departments. I have no intention of following preceding speakers over the same ground, or repeating arguments so ably urged; I will simply reiterate the fact that since the year 1829 no less a number than seventeen First Lords, sixty-seven naval and civilian Lords, and seventeen Secretaries have held office under the uncertain tenure which is the condition of membership of a Board of Admiralty? Every such change, the late Controller of the Navy (Admiral Sir Baldwin Walker) conclusively proved, had necessitated a different arrangement and constant alterations in the Royal Dockyards. One paragraph of that evidence I must instance as affects the supply of timber—

> "A short time ago (Sir Baldwin Walker observed) I discovered that at one of the yards they had not got the necessary description of timber to proceed with the works ordered. I called upon the officers of that yard to report why my department had not been made acquainted with the fact. They referred me to several letters on the subject which had been sent forward, but which I had not seen. I then called for copies of all letters sent from the several yards during the previous twelve months, in which the want of timber was pointed out, when I discovered that no less than 114 letters had been forwarded, only ten of which had been seen by my department. Under such a system how is it possible to carry on the duties in a satisfactory manner when the head of the department, who is responsible that the works ordered are performed, is not made acquainted with the state of affairs in the establishment in which the most important of these works are executed."

Economy, in the fluctuation of opinions contained in the Report, upon the part of the highest authorities examined, is, it appears to me, a simple impossibility. To such constantly changing Boards we commit the sacred trust of our navy—the very right arm of our national strength—with all its manifold departments — the manning of the fleet, the supervision of dockyards, the building, equipment, and repair of vessels, the determination of the best mode and materials of construction, and naval architecture, the supply of stores, the control of expenditure, and, in a word, the maintenance of our navy in a state equal to any emergency, which is indispensable to the security of our commerce, the safety of our shores, and the continuance of our honour and freedom as a nation. This plain statement of the mischievous results which are the consequences of the irresponsible constitution of the Board of Admiralty and the frequent changes of the Board, has a force of argument which no expressions of mine could deepen. The evil is pressing as it is serious, and I need not assure the House that, without party spirit or invidious reflection upon any individual, I speak merely for the welfare of a service whose well-being is bound up in that of the empire itself. I will only further observe that a perusal of the evidence given by Sir Baldwin Walker before the Commission has convinced me that it was quite unnecessary that that gallant officer should have remained in England to be examined by the Committee which is now sitting to inquire into the administration of the Admiralty.

SIR HENRY WILLOUGHBY said, he could not help thinking that any expression of opinion as to what the Executive authority intended to do with respect to the Report of this Commission was somewhat premature—that authority could not have had time to consider, still less to act upon the recommendations of the Dockyard Commissioners. He had no hesitation in saying that time sufficient had not elapsed to allow the authorities to consider, and still less to carry out, the recommendations of the Commissioners, though he felt convinced that the noble Duke at the head of the service was not only able, but most willing to advance any measure calculated to promote the interests of the service. The Report of the Royal Commission had been somewhat strangely dealt with. It was sent to the Secretary of State for the Home Department on the 11th of March, and on the 12th it was placed on the table of that House; so that, without even being read by Her Majesty's Ministers, it was subjected to a good deal of criticism both in and out of doors. It was true that on the whole that Report had been well received, but he thought the distinction had not been sufficiently noticed which was drawn between the cash and value accounts in the dockyards — a difference, nevertheless, which was very important, as affecting imputations cast on officers in the dockyards. These officials were charged with keeping extremely loose and careless accounts, and the Commissioners, in making that charge, very much understated the effect of the evidence brought before them, which clearly showed that the value accounts were not worth a farthing. Persons out of doors supposed that such a state of accounts necessarily inferred purloining the public money; whereas the cash transactions were altogether apart from the value accounts, as the Commissioners took care to point out. And although these value accounts, which pretended to apportion the expenditure between the different offices, were thoroughly unsound, the House was not to fall into the error of supposing that they were of no importance whatever, as without them the House had no means of knowing the cost of any ship, or of comparing one with another. Mr. Watts, the chief constructor, told the Commissioners that he had looked to these accounts for guidance as to the cost of ships for many years, and was not in the habit of making any special inquiries unless the cost of two particular ships was found to be very disproportionate. For his own part, he very much doubted whether the Storekeeper General had sufficient control over his own storekeepers, and whether that department, consequently, did not require scrutiny. The storekeepers again stated that they had not a sufficient number of duly qualified assistants, and that they were obliged to hand over the figures to inexperienced clerks. But it was undoubtedly true that some of the attempts at partial amelioration had resulted in leaving things worse than they were at the beginning, while Boards very often did not follow out their own schemes for improvement. The effect of the change by which an accountant was sent to each yard was to take away the check which previously existed on the storekeepers' notes; and at Woolwich lately a good many errors had been detected by recurring to the old system. He hoped the distinguished Accountant General, Sir Richard Bromley, would do something towards ameliorating the present system of accounts, and that the noble Duke at the head of the department would succeed in restoring a greater degree of harmony between the principal officers. The Controller, Storekeeper, and Accountant General were all pulling different ways, and the jealousy between them was carried to a pitch little short of absurdity. A Board, as a Board, he had always thought a bad governing body where manufactures on an enormous scale were carried on, requiring the firm hand and sound head of a single responsible person; but, assuming a Board of some kind to be a necessity in connection with the Admiralty. the noble Duke, with the assistance of his colleagues, might do much, he thought, to set matters on a better footing. The prevailing impression with regard to the unsatisfactory state of the accounts of the department had been produced in a great degree by the evidence of the Accountan

General, and he therefore trusted that gentleman maintained the same unhesitating language elsewhere. Parliament had voted, within the last eleven years, £42,000,000 for ships and services; and it was not to be wondered at that a great desire should exist in the public mind that a better system of accounting for that money should be devised. The noble Lord the Secretary to the Admiralty had truly stated that in the course of the inquiry nothing in any way bearing the semblance of malpractice had transpired; had anything of the kind come to light, from the determined spirit with which the Commission was entered upon, it would certainly have been clearly and distinctly reported.

Sir FREDERIC SMITH said, it was not his intention to press his Motion, which he accordingly begged leave to withdraw.

Mr. DALGLISH said, he could not help thinking that the information given by the noble Lord the Secretary of the Admiralty with regard to the intentions of the Government was excessively meagre. He had stated, in effect, that the Government were precluded from doing anything by the fact that a Committee on this subject was sitting upstairs. The public thought that the Admiralty was in a bad state, and no half measure would do. The gallant Admiral the Member for Devonport (Sir Michael Seymour) seemed to think that, provided our ships were well built, the dockyard accounts were of trifling importance. He concurred with the hon. and gallant Gentleman that our ships ought to be well built, but he also held that the accounts were of vast importance. What the country required was that our ships should be built of the very best materials and in the best manner; and what the House of Commons was bound to do was to see that economy should be enforced in the dockyards. The hon. Baronet the Member for Evesham (Sir Henry Willoughby) had expressed considerable confidence in the good intentions of the noble Duke at the head of the Admiralty. He (Mr. Dalglish) had no doubt that the noble Duke was a very able administrator, but he should be glad if any one would point out in what respect the Admiralty had been improved within the last two years—if any one would point out one step that had been taken to improve it since the time when it was under the right hon. Gentleman the Member for Droitwich. What improvements had been made in the Department since those for which we

Sir Henry Willoughby

were indebted to that right hon. Gentleman and the right hon. Baronet the Member for Carlisle? It had undergone no change for the better during the last two years, nor did he believe it would during the next two. The Admiralty was now extensively engaged in manufacturing. They would soon be manufacturing their own steam engines. The reason given for this was that such a system provided a check against overcharge by contractors. But it failed in supplying any correct standard of the charges in consequence of the unsatisfactory state of the accounts, which were kept in the most extraordinary way that ever accounts had been kept. It had been stated that everything manufactured in the Royal dockyards cost 50 per cent more than if manufactured by contract. What was the system adopted in the French navy? They manufactured almost no article in the dockyards which they could get from private manufacturers which they could contract for. The noble Lord the Secretary to the Admiralty had assured the House that no department of the Government was to blame for the length of time which the *Warrior* had been under construction. He did not know the facts of the case himself, but he had every reason to believe that after the *Warrior* was contracted for the changes in respect to details were incessant, and that to those changes the delay might almost entirely be attributed. He found, for instance, that the weight of the screw had been altered from 24 to 42 tons, and that was a change which necessarily involved a very great loss of time. The plan of the ship was drawn by Mr. Watts, of the Admiralty, and perhaps it was the best that could have been adopted; but not one of the great shipbuilders who had furnished designs was asked a single question with regard to the plans which they had designed. With respect to the question of tenders generally, he had no doubt that the system had been very much improved. He believed that the most important step in the direction of that improvement had been taken by the right hon. Baronet the Member for Droitwich, and he had no hesitation in saying that the country was very much indebted to that right hon. Gentleman. He should like to have seen the noble Lord the Secretary to the Admiralty carry out his views of reform. He could not suppose that it was owing to any lukewarmness on the noble Lord's part that he had not done so. He believed it was out of his power, and that the noble Lord, to whom that House looked for everything in connection with naval reform, had no more power than a mere clerk.

CAPTAIN JERVIS thought some further and clearer explanation was required from the Government with reference to this subject. The House had clearly before it this fact, that for some years past millions of the public money had been voted to be expended in these dockyards, and that money could not now be accounted for in any way. Such was the explanation given by the noble Lord the Secretary to the Admiralty. The noble Lord admitted that the Report of the Commission was perfectly correct, and the only excuse he could give was, that he was satisfied there had been no embezzlement on the part of any of the officials connected with the dockyards. But that was not a reason which ought to induce that House to vote any further supplies of money on account of these dockyards, until they had received an assurance from the Government that there should be immediately instituted a proper superintendence with regard to these moneys. In order to show the enormous disproportion between the cost of superintendence in these dockyards and that of other Government establishments, he would compare in this respect two of the prominent dockyards with two of the principal factories under the control of the War Office. If they took the dockyard at Woolwich they found that the number of workmen employed was 1,821, while the number employed in the Royal Laboratory was 3,827. The expenditure on account of wages in the dockyard was £109,000, and in the Royal Laboratory £155,000. The cost of superintendence in the dockyard was £18,517, and in the Royal Laboratory £10,681. The number of clerks provided to furnish these accounts was twenty-three in the dockyard, and in the laboratory only nine. Therefore, there had been no stint whatever in providing clerks for the purpose of furnishing the accounts. In the dockyard at Portsmouth there were 3,303 workmen employed, and the cost of wages was £206,000. In the gun factory in the Woolwich Arsenal 3,775 were employed, and the expenditure on account of wages was £196,000. The cost of superintendence in the dockyard was £24,201, as against £7,302 the cost of superintendence in the gun factory. He could not understand why they should wait for the Report of the Committee that was sitting up stairs before they made any change in the present system of dockyard management. He trusted the Admiralty would take the matter in hand at once, and effect a change of system. A Committee of that House had recommended that an Artillery officer should be held responsible for the manufactures carried on in connection with the Army: and why should an Admiral of high standing not be placed in charge of these Naval Dockyards, and held responsible to the Admiralty for all that was done in them?

MR. WHITBREAD said, that the hon. and gallant Member (Captain Jervis) was under a misapprehension with regard to what had been stated by the noble Lord the Secretary to the Admiralty. He did not say that he could not tell in what way the monies voted by Parliament had been expended; what he stated was that the value accounts, not the cash accounts, had been so kept that it was impossible to state definitely how much was charged to one ship and how much to another. Neither did his noble Friend say that before any steps were taken in the system of keeping accounts it would be necessary to wait for the Report of the Committee sitting up stairs. On the contrary, he distinctly stated that active measures would be taken for introducing a system of book-keeping by double entry. But the hon. and gallant Gentleman opposite was very much mistaken if he thought that was a simple and easy process that could be effected without much labour. He (Mr. Whitbread) did not believe it was possible to institute a fair comparison between the cost of superintendence for dockyards, and that for those establishments under the War Office, because the establishments were so essentially different in their character. The heads of expenditure in the dockyards must be very much more in number, and he was not prepared to admit that the superintendence was at all in excess of what it ought to be. With respect to the statement of the hon. Member for Glasgow (Mr. Dalglish), that the noble Duke at the head of the Admiralty had made no improvement in the administration of that department since his accession to office, he would remind his hon. Friend that the noble Duke had made important changes in the position of the Controller of the Navy—changes which had been since found to be beneficial to the service.

Mr. LINDSAY said, he was surprised that the hon. and gallant Member for Chatham (Sir Frederic Smith) should have been so easily persuaded to withdraw his Motion, for he would venture to say that the Report which had been laid on the Table of the House had been more freely discussed out of doors than any other Report presented to the House since he had a seat in it, and no wonder, for it contained very grave charges against the present system of the Board of Admiralty. He was not satisfied with the answer given by the noble Lord the Secretary to the Admiralty, for though the Report stated that there had been in eight months, at one dockyard, no less than 8,000 errors discovered in the accounts, the noble Lord had not taken any notice of this grave charge, or stated whether the Report was correct or not. No less than £4,000 had been omitted to be charged for wages, and £1,200 had been charged twice over; while the sum of £5,210, expenses incurred for boilers, had not been charged against the ships to which they had been supplied. He should be glad to know whether these statements, which appeared in the Report, were true or not; more especially as the evidence given to the Commissioners was chiefly given by witnesses from the Admiralty. The hon. Gentleman (Mr. Whitbread) said the Admiralty were going to adopt another system of accounts, and he (Mr. Lindsay) was glad to hear it; but it was not a sufficient answer to tell the House that a system of double entry was about to be instituted; for if the dockyards were inefficiently superintended a new mode of keeping accounts would not enable the Admiralty to build ships at less cost than before, and the House ought to know in what respect they were to be made efficient, and who was to be responsible. The Commissioners said they were not able to ascertain the cost price of any one article. Now he (Mr. Lindsay) thought they ought to know the cost of every article, and with a proper system of accounts and responsible superintendance they would know the cost of every article. Both the noble Lord and the hon. Baronet opposite (Sir Henry Willoughby) had said there was no reason to suppose there had been any malpractices; and he (Mr. Lindsay) would not say there had been any; but they could not say there had not been malpractices when they found that certain sums had been charged twice for wages, and that other sums had been omitted to be charged altogether. In short, the accounts were kept in such a manner that it was impossible to say whether there had or had not been malpractices. He should like to know whether it was a fact that the average cost of the vessels built at Pembroke during the ten years 1848-59 was £33 3*s.* 5*d.* per ton for the bare hulls? If it was, then the cost was at least £13 per ton more than it ought to have been. He found that the number of vessels built in those ten years was 44, of which 11 were from 230 to 420 tons register, 11 from 500 to 800 tons, 5 from 1,000 to 1,200, 10 from 2,000 to 2,500, and only 7 of the largest class, from 3,000 to 3,700 tons. Now, he considered that vessels of the smallest class could have been built in private yards in every respect equal to those of the Government at £10 per ton; and those of the next class might have been built equally good for £12 per ton. Taking the price of the smallest craft, however, at £20, the next at £22, the next at £24, and the next at £26, the real cost of the seven largest vessels would have been no less than £49 per ton. He had often stated in the House and he would now repeat it, that with a perfectly organized system at the Admiralty, and a proper system of accounts, the country would receive as much for £8,000,000 as they now did for £10,000,000—or in other words, he conscientiously believed that £2,000,000 could be saved by the adoption of a better system. He was glad to hear that the Admiralty were about to invite suggestions from master shipwrights and other competent persons when they determined upon laying down vessels of a large size. He thought the Admiralty might with propriety go a step further. Our new ships, built after the *Warrior*, would, he believed, cost from £350,000 to £400,000 each before they were finished. If it were important to invite designs from all quarters for our public buildings, why should we not invite the science of the age to give us the best models of new ships before we embarked on such a vast expenditure for naval architecture? A handsome premium should be offered to induce naval architects to compete. Considering the value of obtaining the best form and lines for new iron ships, a premium of £5,000 would not be too much for the best model; and he would not debar the servants of the Government from competing. It might be doubted whether the right form for iron-plated ships had yet been obtained. In the naval intelligence of the leading journal of the 9th of May it was stated that the *Warrior*, although lying in the still water of the Victoria Dock, showed unmistakeable indications of being top heavy in her present trim. He was talking the other day with a gentleman from the Southern States of America, who accounted for the bloodless operations at Fort Sumter by the fact that the fort and a battery in the harbour were lined with case iron ot about 2 inches in thickness, placed at such an angle that the shot glanced off without doing any mischief. It was worthy of consideration, therefore, whether the sides of our new iron ships could not be built of a form so that shot might glance from the armour sides either into the air or the water. At all events, a great advantage would result from throwing open the question of form to the competition of naval architects in all parts of the world, and it would be well to make experiments upon iron plates at different angles, and see the effect of shot upon them.

SIR JOHN PAKINGTON thought that a good deal of the present discussion would have been more appropriate in Committee upon the particular Votes; but after what had fallen from the hon. Member for Sunderland (Mr. Lindsay), some of whose observations were rather hard both on the present Board of Admiralty and on preceding Boards, he could not allow the conversation to close without saying a few words. He concurred with the hon. Member that it was impossible to overrate the importance of the matter which the hon. and gallant Member for Chatham had brought under the notice of the House; and, undoubtedly, no Report lately presented had attracted more attention out of doors than this had done; but he could not think that the criticisms passed upon the noble Lord the Secretary of the Admiralty were quite just, or that the present Board of Admiralty was open to the charge of not having met the inquiry in a fair spirit. The hon. Member for Sunderland had gone more into details on the subject matter of the Report than was necessary, and had said much which, proceeding from a Gentleman so competent to judge in matters of this kind, was calculated to excite considerable dissatisfaction, if not alarm, with respect to the alleged extravagance in the dockyards. The hon. Gentleman stated that the cost of building men of war in the dockyard at Pembroke was £33 per ton, while they ought to have been built for £20 per ton. He did not know upon what authority the hon. Gentleman rested that opinion; or whether the hon. Gentleman was referring to the cost of the mercantile marine.

MR. LINDSAY explained that what he had intended to convey was that, taking vessels of several sizes, the larger sizes cost £49 instead of £33 per ton; but that the average price of all the ships of different sizes to which he referred was £33 per ton, whereas it ought not to have been more than £20.

SIR JOHN PAKINGTON said, the hon. Gentleman still left the House uninformed of the basis upon which his calculations proceeded. If the hon. Gentleman was comparing these vessels with those of the mercantile marine, the comparison was not a fair one; and if he professed to give the average cost, he must recollect that the average cost would be taken on vessels of different sizes. They might have a frigate of 3,000 tons, as well as a three-decker of 3,000 tons, but no one conversant with the subject would suppose that the one vessel could be built at the same cost as the other. A different rate of man of war involved an additional number of decks, and the number of decks was not included in the tonnage. At the same time he was ready to admit that there were some startling facts in the Report, and it must be admitted that the Gentlemen attached to the Commission had discharged their duty in a manner to deserve the best thanks of the public. He agreed that that Report, as it stood before the public, imposed a serious responsibility on the Board of Admiralty. The question was, whether the way in which the noble Lord the Secretary of the Admiralty had met these statements was such as the circumstances in which he was placed required? He did not see how the Admiralty could have met the Motion of his hon. and gallant Friend in a fairer or more complete manner than they had done. In point of fact, the Report involved two points — the constitution of the Board of Admiralty as regarded the care and superintendence of the dockyards, and the mode in which the dockyard accounts were kept. Upon the first point it was a very fair answer to say that the constitution of the Board of Admiralty was under the consideration of a Committee up stairs. He was sorry to hear the hon. Member for Glasgow (Mr. Dalglish) impugn the constitution of that Committee on the ground that there were too many persons on it that were now, or had formerly been connected with the Board of Admiralty. Whenever the Report of that Committee came before them he hoped it would be shown that the Committee were entitled to the confidence both of the House and the country. His hon. Friend the Member for Evesham (Sir Henry Willoughby) said it was a matter for question whether this great public department of the Admiralty could be best managed by a Board, and he (Sir John Pakington) had ventured on former occasions to intimate the same doubt. The hon. Member for Sunderland (Mr. Lindsay) had stated that this Report proved that there was a want of adequate official control in the dockyards, and he (Sir John Pakington) very much shared in that opinion. The hon. Member also said that there was a want of adequate responsibility, and he (Sir John Pakington also shared that opinion. But he could not agree with the hon. and gallant Member for Harwich (Captain Jervis), when he said this was a most simple and easy matter, and that nothing would be more easy than for the Board of Admiralty to appoint an Admiral to superintend the dockyards. If the hon. and gallant officer were a Member of the Select Committee he would soon discover that this was a matter not so easily disposed of. This was a most complicated and difficult question, and required most anxious and dispassionate consideration on the part of those to whom this duty had been delegated. He was one of those who thought that the Government would have done well if they had taken the matter into their own hands, and had decided to investigate the administration of the navy themselves. While he held that opinion, on the other hand he thought it would be injudicious in the Government, after referring the question to a Committee upstairs, to undertake suddenly to reconstruct the naval department. With regard to the other part of the Report of the Commissioners relating to the accounts, it was to be inferred, from what had fallen from the noble Lord the Secretary to the Admiralty, that the Government were directing their attention to the important matter, and he was sure that the hon. Members for Glasgow and Sunderland would admit that that difficult and complicated subject could not be in more competent hands than those of Sir Richard Bromley, the Accountant General at the Admiralty. The House had heard, likewise, that the Duke of Somerset was engaged in endeavouring to carry out the substance of the Report of the Commissioners, and in effecting those improvements in the accounts which the Report proved to be so necessary. He should have thought the Admiralty to be guilty of a neglect of duty if it had postponed for one day longer than absolutely necessary the consideration of the evils which had crept into the dockyard accounts; but, after the assurance of the noble Lord, and knowing how competent the Duke of Somerset was to deal with the affairs of his department, he was bound to believe that the Admiralty was doing all in its power for the purpose of obtaining an accurate system of accounts.

Amendment, by leave, *withdrawn.*

AUSTRIA AND HUNGARY.—QUESTION.

Mr. DARBY GRIFFITH said, he rose to ask the Secretary of State for Foreign Affairs, Whether information has been received that the Austrian Government are removing the troops of the late Duke of Modena from the territory of Venetia; and also, whether that Government are transferring troops from Mantua, and other fortresses in Venetia, to Hungary, for the purpose of the collection of taxes in the latter country? In bringing the subject before the House he reminded hon. Members of the present relative position of Austria and Hungary, and of the refusal of the Hungarian Parliament to recognize the constitution which had been promulgated by Austria, and that they claimed their ancient rights. If the conduct of Austria should prove to be harsh towards the Hungarian people, it would drive them to the verge of war. The constitution of Hungary was of as great antiquity as our own, and the people of that country now demanded their rights. That demand was not made by the extreme democratic party but by the moderate party. He had visited these countries, and knew the feelings of the Hungarians. If Kossuth should go into the Carpathian mountains, he could bring about such scenes as were enacted in 1848, for the attachment of the people to him was very strong. Our policy was undoubtedly one of strict impartiality, and it was to be hoped that some constitutional mode would be found of settling the present difficulties. He should be glad if the noble Lord would reply to his Question.

Lord JOHN RUSSELL: In reply to the Question which has been asked by the hon. Member, I have only to say no information has been received at the Foreign Office with respect to the removal of the troops of the late Duke of Modena from the territory of Venetia, or that the Austrian Government are transferring troops from Mantua and other fortresses in Venetia to Hungary, for the purpose of collecting taxes in that country. I do not think I am at all called upon—nor do I think it would be for the convenience of the House that I should enter upon the question of Hungary. I can only say that the hon. Gentleman seems to have misunderstood what I said on a former occasion on this subject. I gave no opinion in favour of Austria as against Hungary; I only expressed the wish that Hungary may be in the enjoyment of liberty according to her ancient constitution, and that the enjoyment of those liberties may be compatible with the maintenance of the present dynasty. I gave no other opinion than that: but the hon. Gentleman seems to think that the Emperor of Austria has decided upon taking a course hostile to the interests of Hungary; but I am far from thinking that such is the case. I am not disposed to doubt the decision which the Austrian Government has arrived at, nor can I, of course, say what policy it is intended to pursue.

THE OUTRAGE ON CAPTAIN MACDONALD.—QUESTION.

Mr. VINCENT SCULLY said, he would beg to ask the First Lord of the Treasury, If there has been any communication between the British and the Prussian Governments, subsequent to the 4th day of March last, with respect to the case of Captain Macdonald, who was arrested and imprisoned at Bonn; and, if so, is there any objection to the production of such Communications? He could only repeat his conviction that the Prussian Government were right in this affair, and that the authorities of this country were wrong. He had reason to believe that the discussion of this question, and the tone adopted by the House of Commons in connection with it, had much rankled in the minds of the Prussian Government and people.

Viscount PALMERSTON: In answer to the question of my hon. Friend I have to state that since the Correspondence was laid before Parliament a despatch has been communicated to the British Government, written by Baron Schleinitz to Count Bernstorff, the Prussian Minister in this country. An answer to that despatch is now on its way to Berlin, and when we know that that answer has been received there will be no objection to its production.

Main Question put, and *agreed to.*

SUPPLY—EXCHEQUER BILLS.

House in Committee.

Mr. Massey in the Chair.

(In the Committee.)

The following Vote was *agreed to:*—£7,225,500, to pay off and discharge Exchequer bills.

SUPPLY—NAVY ESTIMATES.

Motion made, and Question proposed,

"That a sum, not exceeding £3,849,477, be granted to Her Majesty, to defray the Expense of Naval Stores for the Building, Repair, and Outfit of the Fleet, the Purchase of Steam Machinery, and for other purposes connected therewith, which will come in course of payment during the year ending on the 31st day of March, 1862

Mr. LINDSAY moved that the first item—£949,371 for timber—should be reduced by £300,000. The sum voted last year, he said, was £722,758, and for a long series of years prior to 1859 the average amount did not exceed £350,000. That was a time, moreover, when we built nothing but wooden ships. In 1859, when it was found necessary to reconstruct the navy, the sum asked for was £450,000, and the amount actually expended was about £600,000. Our wooden fleet was now considerably larger than all the navies of the world combined, and it had been resolved that no more wooden line-of-battle ships should be built. Why, then, should Parliament be asked to vote the enormous sum of nearly £1,000,000 for timber? He hoped it would not be said that the timber had already been contracted for; because, if the Government had really ordered the timber without the knowledge or sanction of Parliament, they had interfered with the most important privilege which the House of Commons possessed—that of controlling the public expenditure. But he might be told that it was necessary to have a large stock of timber on hand. In 1859 the stock on hand amounted to 64,000 loads, and the sum which he was willing to vote would enable the Government to purchase a much greater quantity, and thus have a larger stock than on any previous year, even though they had not a single load at the present moment.

Mr. BAXTER said, he thought this one of the most objectionable Votes that had been submitted to Parliament for many years. He had himself given notice of his intention to move that the Vote be reduced by £285,000, in order to equalize the sum with that voted by the House last year; but he thought it would be for the convenience of the Committee that he should merge his Amendment in that of the hon. Member for Sunderland, which he, therefore, cordially seconded. As this would probably be the last opportunity they should have of discussing the Naval Estimates, he thought it necessary, before speaking to the particular Vote under consideration, considering the immoderate demands now made on the public purse, to take a survey of the position in which we stood. The discussions which had taken place this Session showed that, so far from our fleet being insufficient, the maritime superiority of this country never was so undoubted or so overwhelming as at the present moment. It had been shown that we possessed more steam line-of-battle ships and more sailing vessels than all the other Powers of Europe put together. Of men and boys serving in the Royal Navy we had more than there were in the whole mercantile marine of France. The merchant ships of England were increasing in every sea, while the mercantile marine of France was steadily falling off at the rate of about 20,000 tons annually. After the discussions that had taken place in that House, hon. Members must have read with surprise the remarks in the French Senate, from which it appeared that our neighbours had begun to be seriously alarmed lest they should not be able to find men for the Imperial Navy. The boasted maritime inscription of France was every year more and more felt as a hardship and oppression; its effect was to deter men from engaging in seafaring pursuits; it weakened rather than strengthened the maritime power of that country. Witnesses who had been examined before the Royal Commissioners asserted that a general ignorance and misapprehension prevailed in this country respecting the great naval preparations going on in France. He had formerly read some extracts from a book published by a gentleman who had visited the naval yards of France, but the noble Lord at the head of the Government attempted to throw ridicule on the statements because they had appeared in a newspaper. Since then, however, the noble Lord the Member for Totnes (Lord Gifford) and his hon. Friend the Member for Glasgow (Mr. Dalglish), who had to-night made an admirable practical speech, had visited the great ports of Cherbourg and Toulon, and they told precisely the same thing—that the stories which had frightened so many good people in this country, and to which the Government had given undue encouragement, were mere moonshine. There never was a time when the navy of Great Britain was more thoroughly equipped, or more powerful in proportion to the navies of the other Powers, than at the present moment. In point of fact, we had too many ships. We had a steam reserve in ordinary in the Medway of 69 ships, carrying 1,522 guns, and of 17,558 horse-power; and at Portsmouth of 51 ships, carrying 1,235 guns, with 10,728 horse-power, totally irrespective of the Channel Fleet, the Mediterranean, Pacific, and other squadrons. The French, on the other hand, had no Channel Fleet at all; while, according to the hon. Member for Glasgow, hardly anything was doing at Cherbourg. There might be something mysterious in concealing from the view of Englishmen what was going on, but he at least had failed to discover the formidable phantom squadron which had raised the alarms of so many hon. Members. In such a position, he asked what, in the name of common sense, was the use of voting the large sum now demanded for Naval Stores—£285,000 more than was voted last year? We had so many ships of war that we might station them within two and a half miles of each other all round the coast of Great Britain and Ireland, and yet nearly £1,000,000 was asked for timber this year—£300,000 more than was expended by the right hon. Baronet the Member for Droitwich when he reconstructed the British navy. It was one thing to ask the money and another to get the timber. He at first thought there had been some mistake in the estimate for this enormous supply of timber, and he had, therefore, taken up the Report of the Dockyard Commission, where he found some remarkable evidence on the question of the supply of timber. The hon. Member quoted the evidence of Sir Baldwin Walker and the hon. Richard Dundas, Storekeeper General of the Navy; the latter of whom, in reply to Question 961 said—

> "I believe we got every load of timber which any amount of money would have got. If we had had more money we could not have got more timber of the requisite dimensions and quality."

And again, in reply to Question 966,

> "If we had had double the sum of money I do

not think that we could have got the timber; we have contracts outstanding; we have money provided for timber which will not come because we cannot get it."

In 1852-53 the Vote for timber was £270,000; in 1855, it was £451,000; in 1856, £385,000; in 1859, £672,000; and this year—a time of peace—it was no less than £949,000. He thought this demand excessive, and that the Government should not press it when so many Members were absent in consequence of the late recess; but he hoped the Government would learn a lesson from the discussion, and that, now that the defences of the country were admittedly in a satisfactory condition, the Estimates would next year be upon a more moderate scale. He cordially seconded the Amendment of his hon. Friend, who he hoped would take the sense of the Committee upon it.

Lord CLARENCE PAGET admitted that it did appear rather anomalous that, when the Vote for labour was reduced, the Vote for timber should be increased; but the explanation was to be found in the unprecedented expenditure of timber that had been going on in the dockyards during the last two years. The result had been that the stock of timber had been reduced to a lower point than was thought to be either safe or prudent by those who were most acquainted with the subject; and that it was absolutely necessary that the country should be put upon a better footing in this respect. During the last year the consumption of timber had been more than double the ordinary rate of consumption, having been 80,000 loads, instead of between 30,000 and 40,000 loads. The consequence was that the stock of timber about a month ago was reduced to 51,000 loads—much below the usual quantity kept on hand. The fair and proper establishment of timber used to be considered 60,000 loads. It was proposed this year to purchase 73,000 loads, while the year's consumption was estimated at 42,000 loads —or somewhat more than the usual average expenditure of former years—so that at the end of the financial year it was hoped that the stock of timber would be increased to 82,000 loads, or about two years' consumption. He was bound in candour to say—though under the threat of the serious displeasure of the hon. Member for Sunderland, if the Admiralty should have engaged the country in expenditure before the sanction of the House of Commons had been obtained—that the House was pledged to that expenditure of timber; but, although it might appear objectionable to ask the House of Commons to consider Estimates to which they were already pledged, yet there were particular circumstances which rendered such a course necessary. The hon. Member for Montrose had referred to the evidence of the Storekeeper of the Navy, who had given a complete answer to the objection by saying that there was no possibility of finding more timber in the country, even were a much larger sum voted. The right hon. Gentleman the Member for Oxfordshire had last year made a most important statement about the danger and impolicy of allowing the stock of timber to be reduced to too low an amount, and, impressed by that statement, the Admiralty had taken pains to increase the stock. It might be said, What is the use of coming to the House with Estimates when contracts had been already made for its supply, and the House has no power to reduce them? But an unanswerable argument was afforded in regard to the necessity of taking time by the forelock in making these contracts, in the quotations read by the hon. Member for Montrose from the evidence taken before the Dockyard Commission, showing the difficulty of obtaining the quantities of timber required. The process of getting a quantity of timber of the kind, required in most cases two years, in some three, and in none less than one year. He found, from a report which had been made to the Admiralty, that, of the whole stock of timber, less than one-fourth was English timber; therefore, it was apparent that the great bulk of the timber required for the purposes of the navy had to be fetched from distant countries. Moulmein and Malabar teak could only be obtained after a long interval, and if the Admiralty were compelled to obtain the sanction of Parliament previous to making a contract for that timber, it would be impossible to procure the timber in time for its needs. It was necessary, therefore, to have running contracts for two or three years in advance. What would be the case if the Government did not anticipate the Vote of the House of Commons? They had now a gunboat building by a firm who came lately to the Admiralty to ask them to supply English oak and other kinds of timber, because none could be obtained elsewhere, and they had been supplied, not only with English oak, but Dantzic oak, teak, and other timbers, which they had been unable to purchase in the market. Could this be done if they did not order their timber from the sources from whence it came to this country? The Thames Iron Company, also, who were building the *Warrior*, said they had no means of getting Dantzic oak plank, and they were supplied by the Admiralty. It was necessary, therefore, that a large stock should be maintained, and it would be perfectly impossible that the great business of the Admiralty Department could be carried on unless they had their contracts out in time. There was generally, however, in these Votes, a margin left to allow of reductions if the House thought fit; but with regard to this item of timber not only was the House pledged to the present amount, but they were pledged also to a considerable sum for next year again. It was not only in the case of timber that contracts were made before the Estimates were submitted to Parliament, but also in the case of steam machinery. The sum which the House was now asked to agree to did not cover the whole contract which the Admiralty had entered into for machinery, but there remained at least one-third that would have to be paid for in a future year. Let him only add that he made these frank statements because he thought it respectful to the Committee that they should be made aware of the amount of all liabilities they had incurred, and he hoped and believed that due confidence would be placed in the department which was responsible for the provision of materials for the navy.

Sir FREDERIC SMITH asked, why Government, if the money was already spent, did not at once take a larger Vote?—for it must be remembered that not only was the money spent in the present year, but the House was committed to expenditure for future years also. He considered the House of Commons ought distinctly to know the extent and nature of the contracts into which Government had entered. At present the House was treated with contempt. He wished to know if the whole of the Vote of last year was spent? and if it had not been spent, because the timber could not be procured, where was the necessity of asking for a larger sum now? He also wished to know if it was the same with respect to hemp, canvas, metal articles, coal and fuel, as with respect to timber, and that the supply was purchased for some years in anticipation, and if, when they had purchased it, they were to hand it over to private firms?

Lord Clarenc Paget

Mr. FINLAY said, that timber was an article that required to be seasoned, and, therefore, it was necessary to have a large supply of it in store. But if it was necessary to look ahead, these contracts should have been entered into last year, in which case the Government would have been able to consult the House of Commons. The large sum of £1,000,000 now asked for was said to be equivalent only to a two years' supply; but that supply was estimated on the old scale of consumption, when we were building none but wooden ships, whereas iron ships were now superseding the use of wooden ones. He could not concur altogether in the opinions expressed by the hon. Member (Mr. Baxter) as to the present efficiency of the navy. The hon. Member for Sunderland (Mr. Lindsay) on a former occasion made a speech to show that in any naval engagement iron ships would destroy wooden ones very easily. If that were so, he doubted whether our navy could be considered equal even to the navy of France. He considered, however, that the Government had not acted in a very constitutional manner in entering into these contracts, and incurring such large pecuniary liabilities without the knowledge and concurrence of Parliament.

Sir JOHN PAKINGTON said, he was extremely sorry to see the state of the House whilst this subject was discussed. There were some hon. Members who sat below the gangway present; but behind the Government he saw nobody, and behind the Opposition but very few hon. Members; and he did not think that it was to the credit of the House that when they were discussing a subject of so much importance, both financially and in reference to the defence of the country, there should be so thin a House. He must also regret that when the noble Lord was forming his Government he did not send the hon. Member for Sunderland (Mr. Lindsay) to the Admiralty, for if he had been a Member of the Board they would have been spared several of these discussions. The hon. Member had rather ungenerously attacked him in reference to the cost of the iron-cased ships. He (Sir John Pakington), however, had never concealed from the House what the cost of those ships would be; and, indeed, in proposing the building of such ships, he had stated distinctly that they would be the most costly vessels ever built.

Mr. LINDSAY explained, that he had

not attacked the right hon. Baronet—he had only said what the cost would be, and expressed his opinion that the science of the age should have been brought to bear upon the matter.

Sir JOHN PAKINGTON: And the science of the age was brought to bear to the utmost extent possible. His opinion was that there were much higher questions at stake than whether they would vote the amount asked by the noble Lord for timber, and that the real question was whether or not England was to remain the first naval power in the world? If the House wished that we should maintain this position they must not indulge in these hot and cold fits about expense; because a great and increasing cost was an indispensable condition of that supremacy. The hon. Member for Montrose (Mr. Baxter) had referred to him directly in reference to the supply of timber, and had alluded especially to the course which he took two years ago. The hon. Member stated that even during the endeavours made by the Government of which he was a member to increase the strength of the navy he only asked for £672,000 for timber, whilst the present Government asked for £1,000,000. He was bound to state that that item of the Estimates of 1859 was not limited with any reference whatever to money, but solely by the belief at that time as to the possibility of obtaining timber. The Government of that day were deeply impressed with the absolute necessity of obtaining the greatest supply of timber which they could obtain, and they were sending to all parts of the world for it. And even after they had made that Estimate and presented it to Parliament, an unforeseen opportunity of obtaining a large quantity of teak presented itself, and the Government immediately bought the wood. Nothing struck him more when he entered into office in 1858-9 than the deficient supply of timber in the dockyards. When he came to draw upon that stock in order to increase the navy, it proved to be utterly insufficient, and the consequence—the unavoidable consequence—was that unseasoned timber had to be used. The deficient stock of timber left the Admiralty no alternative. Now what was the motive which instigated the Government of 1859 in increasing our navy? There was no use in concealing the fact that it was our feebleness in comparison with France. He found not only that France was going ahead of us in the building of ships, but that every yard in France was amply supplied with a stock of timber. He thanked the present Board of Admiralty for the efforts which they were making to increase the stock of timber, and he hoped that the hon. Member (Mr. Lindsay) would reconsider his Amendment, and that he would believe that, in endeavouring to increase our stock of timber for the supply of our dockyards, the Government were doing no more than it was their bounden duty to do. He had spoken strongly upon this matter because he was convinced that the Admiralty were perfectly right.

Viscount PALMERSTON: The right hon. Baronet (Sir John Pakington) has expressed his regret at two circumstances—the thinness of the House and the small interest which appears to be felt in this matter. I also regret another circumstance—that two hon. Gentlemen who I know are most anxious for the prosperity, the welfare, and the honour of the country, and who are peculiarly conversant with the great importance of the maritime trade of the country to our political existence, should come down here with a Motion tending to cripple that navy, on the existence and the power of which, I will not say our prosperity, but our very national existence depends; for, after all, the question is not whether we shall spend £600,000 or £900,000 on timber; the bottom, the marrow, the tendency, and the effect of the Motion is whether we shall have a navy at all? ("Oh, oh!") I say it is so, because, if you deprive the Admiralty of the means of constructing ships, you deprive the country of a navy. My noble Friend the Secretary of the Admiralty has stated that even if the supply of timber is obtained which we now ask for, we shall only have two years' consumption in our stores; and I remember when this question was discussed last year it was maintained that we ought at least to have three years' consumption on hand. It is now said that iron ships only ought to be built; but hon. Gentlemen appear to run away with the idea that iron ships are built entirely of iron. My two hon. Friends who moved and seconded the Amendment, must, I am sure, be perfectly aware that an iron ship has a vast quantity of wood in its construction, and it is absurd to say that, because iron ships are to be built, you will not require a stock of timber. Then it is said, you ought to take example from France, who has abandoned all idea of rivalling us in our navy; and that it is absurd for us to have the stock of timber which this Vote would enable us to obtain, seeing the total abstinence of France from anything like an attempt to rival our Navy. But do hon. Gentlemen know what is the amount of timber now in stock in the French arsenals? This Vote would give us a supply of 80,000 loads; but the French, with a smaller navy, and smaller demands for timber, have 160,000 loads in stock—just double that which we should have if this Vote be granted. The reasons given by my noble Friend, and supported by the right hon. Baronet (Sir John Pakington), for making contracts when opportunity offers, are unanswerable. You cannot go into the market and order a supply of timber like a supply of coals, or any other article of which the supply is ready and general. It is well known that timber fit for certain purposes grows only in certain positions, and if when an opportunity offers for making contracts you do not take advantage of it, other people step in, and you are left without the material necessary for the maintenance of your navy. Under these circumstances I hope the House will see that no reason has been shown for diminishing this Vote, or for blaming the Admiralty for making contracts for the material necessary to the maintenance of that navy, without which the country would be utterly ruined. Only imagine for a moment the condition in which we should be placed if any foreign Power, or any combination of foreign Powers, were to obtain complete command of the sea. What would become of those imports upon which our commercial industries depend? What would become of those exports without which our industries would be employed without fruit? What would become of all those elements of our national existence for the maintenance of which it is absolutely necessary that we should have free command of the great highway of nations? Independently of all considerations of internal defence and the means which an enemy would have of attacking our shores if we had not power to resist him by sea, I am sure the two hon. Gentlemen who are so well acquainted with all our various commercial interests, cannot seriously wish that our navy should be deprived of the means which are essential for the maintenance of its efficiency. I hope, therefore, that the Amendment will be withdrawn.

MR. BRIGHT said, that he thought the Committee, whatever they might think of the Motion of his hon. Friends, would admit that if the Vote was five times as great as it was, the speech of the noble Lord would have been equally applicable. The noble Lord had not condescended to go into any figures, and he would excuse him for saying that he did not place the slightest reliance upon his opinion. The noble Lord told them that the French had 160,000 loads of timber in their yards; he (Mr. Bright) could not contradict him, but remembering how often the noble Lord had misled the House by exaggerated statements with regard to the French navy, without something more satisfactory he would not be disposed to vote an extravagant sum of money for this item simply on account of the noble Lord's statement. Members of that House, who had recently been in the French dockyards, and who were the best authorities on this subject, had not seen there that stock of timber which the noble Lord described, and he had no doubt that, if the matter were inquired into, it would be found that just as before the noble Lord had talked before of a phantom French fleet, so now he was bringing forward phantom stocks of timber. The noble Lord had spoken of the danger to our commercial marine by refusing this Vote. But he would venture to say that his hon. Friend the Member for Montrose (Mr. Baxter) had twenty times as much property on the water as the noble Lord—and, therefore, he did not think that his hon. Friend would not do anything to make that property less secure, nor, with regard to the country, that he would be less patriotic than the noble Lord himself. The question before the House was a simple one for any person who knew anything of figures. He did not expect the Admiralty to know anything of figures, for they admitted they did not. Turning, however, to the speech of the noble Lord the Secretary to the Admiralty, who ought to know something of the matter, he appeared with regard to this Vote to be proceeding upon a manifest error; for he asked how they could carry on the great business of the Admiralty without this Vote? Well, if he regarded the great business of the Admiralty as a permanent business at the rate at which it had been carried on for the last two years, or since the right hon. Gentleman opposite (Sir John Pakington) did so much to create a panic with regard to the state of the navy

—if the noble Lord imagined that to be a permanent condition of affairs at the Admiralty, he (Mr. Bright) had not very much to say about it, for upon that supposition they were evidently getting into a condition of expenditure which would not be pulled up by any arguments in that House, but only by some action in the country which would bring the Government and the House to their senses. It was evident from what had been said by the right hon. Gentleman and the noble Lord that there had been an expenditure exceeding that of former years. The question was whether that expenditure was to be maintained or diminished? It had been stated, and the noble Lord at the head of the Government had not denied it—that this country had more ships of every class than all the rest of the world together, and if this were so, it could not be thought by any man outside a lunatic asylum that they were to go on during the next five or six years increasing their navy as they had done during the last two. And if not, how could they ask the House for a Vote for timber of more than £200,000 in excess of the Vote of last year, which was itself greater than that of any former year? Mr. Dundas, the Storekeeper General, who was spoken of as an authority whenever he was quoted by the Government, said, that he contemplated that in the year now going on the consumption of timber would be reduced one-half. Well, when they were reducing the consumption of timber one-half for this year, and he presumed for several succeeding years, what could be the necessity for increasing so largely the Vote for timber? Mr. Dundas said that 60,000 loads was the usual stock considered necessary for the navy, and that at the commencement of this year the stock was about 50,000 loads—which was 10,000 loads less, or in consequence of the extraordinary consumption of those years. But then Mr. Dundas proposed by this Vote—which he was careful to say he did not recommend himself—what he said was, that he knew what was desired by the Board on the subject—what would be necessary for the purchase of 70,000 loads, which with the stock on hand made 120,000 loads. Now, as only one-half the usual consumption was to be used this year, it was evident that at the end of the year the stock would be greatly above what was ordinarily required in the navy. He had not the least reason to suppose, from what the noble Lord at the head of the Government said—for he was in a very "Rule Britannia" mood to-night—that the Vote next year would be less; for all his arguments were in favour of a larger Vote next year, especially if there should be a good harvest, and if the export trade should be increased. Still, with the views of the noble Lord the Secretary to the Admiralty, if he (Mr. Bright) had the drawing up of those Estimates, and if he wished to raise the stock from 50,000 to 60,000, or even 70,000 or 80,000 loads, the best course would be to propose a moderate sum this year and a moderate sum the next to make a gradual increase, and thus replenish the stock, without coming down in that particular Session with so enormous a Vote; because it was quite clear upon all the evidence, and upon all the facts stated by the hon. Members for Sunderland and Montrose, there could be no reason for the extravagant Vote submitted to the Committee. The fact was that the business of the Admiralty was perhaps the most extraordinary in the way of extravagant and reckless expenditure that any legislative Chamber had ever had to consider. It was clear from all the evidence brought before the Commission that there was not a particle of substantial control over the expenditure of the Admiralty. There were a good man men of business there—he would not put the question to the noble Lord at the head of the Government, who had a supreme contempt for any matter like that, or he would not have addressed such observations as he had done to the Committee—but suppose they took the level of the largest class of business firms of Lancashire or Yorkshire, they would find that £100,000 a year might be set down as their average expenditure in raw material, repairs, wages, &c. A million of money would give ten of those firms, and £12,000,000 would stand for 120 of them. And how were these firms managed? There were 120, or more probably 240 managers of those firms—men who thoroughly understood their business—they had the greatest possible interest in its success; they rose at six o'clock in the morning, and continued at their task until six o'clock in the evening—and, in short they were incessantly employed in the management of their business transactions many of which had a good deal of what might be called routine in them, for there were steam-engines at work, cotton to put in and take out, but not a great deal of change; and yet all that labour was gone through that at the end of the year there might be a profitable result. But what had they here? An expenditure of £12,000,000; and managed by whom? Why, the other day the right hon. Baronet (Sir John Pakington) was the President, presiding genius, general manager, and controller of the expenditure of £12,000,000 in the Department, of which —speaking without offence—he knew literally nothing. The right hon. Baronet knew just as much as he (Mr. Bright) knew, as the average of the Members of that House knew, and no more. Well, now they had a noble Duke in the other House of Parliament who knew no more than the right hon. Baronet did — little accustomed, probably, to extensive bookkeeping, and not at all to ship-building. If they were to go back many years, and take all the First Lords of the Admiralty, and put them to manage one of the business firms which he had alluded to, in all probability in the course of two or three years they would find them very anxious to get out of them. But here they had this great business of £12,000,000, which was managed, not by First Lords only, but by civil Lords and sea Lords—as they were called—who did not agree well together either as to what they should do and what they should leave undone. And then they had the noble Lord the Secretary of the Admiralty who sat in that House, but who, it was said, had no great authority at the Board, and was often driven to the painful necessity of defending in that House things which his own judgment would not recommend, and of abstaining from doing things which his own judgment would have led him to do. If they were to go down to the dockyards they would find confusion from beginning to end, and it was nothing but the love for labour of his hon. Friend the Member for Sunderland, which nothing could surpass, that could have induced him or any other man to plunge into these inquiries with the idea of disentangling this chaos into which the finances of the country were brought by the present extravagant and reckless expenditure. Yet if a Member of that House, representing a large constituency oppressed with taxes, rose in his place to complain of this enormous expenditure, he was told by the noble Viscount that he was not patriotic, and he did not care a farthing about the supremacy of his country at sea. The noble Viscount had even the effrontery to say that Gentlemen whose great transactions were upon the sea were not even careful about the security of their own property; and that he was the man to take care that they were not ruined by their economic fancies. He said the noble Viscount was not treating this subject as he ought to treat it in his eminent and responsible position, and probably, ere long, the noble Viscount would find that £70,000,000 a year of taxes was much more than the people of this country ought or could pay. The noble Viscount would allow him—and with no unfriendly feeling—to tell him that he had placed his Chancellor of the Exchequer last year and this year in whatever difficulties he had found himself in contesting his policy with his opponents in that House. If last year the noble Viscount had had the good sense not to go beyond the extravagant expenditure of his predecessors, and if this year he had with a firm hand cut off some of these extravagant Votes, such as that which had been objected to by his hon. Friend that night, he would have left the finances of the country in that condition that all the ingenious and intense hostility to the Chancellor of the Exchequer manifested on the other side of the House would have found itself wholly baffled in the attempt to have found any fault worth listening to with the propositions of the right hon. Gentleman either in this or last Session of Parliament. He (Mr. Bright) was quite sure that there was no more honest Friend to the noble Viscount at the head of the Government, than the Member of that House, whether he sat on the benches below the gangway or the benches behind him, who told him that he did not sufficiently care for the extravagant expenditure of the country, and was not sufficiently conscious of the fact that every hundred pounds which was expended more than was absolutely necessary, whether it be brought about through a wrong policy abroad, or through a reckless management at home, came out of some man's labour, some man's sweat, and was itself the purchase money of the sufferings and misery of some portion of the people. He (Mr. Bright) had not meddled much of late in this matter, because he found that the House was not well disposed to listen to arguments in favour of economy; but he must indeed be a blind, an ignorant, and a foolish man, who did not see that the time was coming when the expenditure would have to be diminished, and when the taxes would have to be more reduced than was even now proposed by the Chancellor of the Exchequer, or there would be a contest between the people of this country and its Government, such as the noble Viscount did not wish to see, and such as he (Mr. Bright) would be as unwilling to see as the noble Viscount himself.

MR. HENLEY said, that as he had taken some part in a former debate on this subject, he trusted he should be excused if he offered a few observations at the present moment. He should not attempt to follow the hon. Member for Birmingham in his somewhat discursive speech, because it really was a speech on the general expenditure of the country rather than on this particular Vote. If there were those 120 separate heads of Admiralty management of which the hon. Gentleman spoke, each coming for a separate Vote, with 120 responsibilities, they would have to refer again to a Committee upstairs to see how they could contrive to get through the public business. Probably the hon. Member only used it for an illustration, and did not wish to throw the Admiralty into the hands of 120 people, although his speech certainly went in that direction. The immediate question before the Committee was that of timber. Now, upon this point he was of opinion that if there were any one question on which the Admiralty would have no difficulty in defending itself, it was upon this of keeping in hand a sufficient stock of timber. He did not think there was any man—he did not care who he was—but who, on looking at what the consumption of timber had been for the last ten or twelve years, at what had been the orders of the respective Boards of Admiralty, and at what work had not been executed, must see that what was called the establishment of timber was wholly insufficient. Timber, such as we required, ought to be two or three years in store, and if it was not it was unseasoned and unfit for use. The hon. Member for Glasgow (Mr. Dalglish) was looking into his Report; but that Report did not begin at the beginning, and hardly touched upon the question of timber at all. It was gone into at great length by the Committee on Dockyard Economy, and these facts were distinctly brought out—that for ten or twelve years past the consumption of timber in the navy had been ranging at something like 25,000 or 30,000 loads a year; that the Admiralty had been ordering a certain number of vessels, which were not completed; that two-thirds only of the work ordered had been done; and that, consequently, two-thirds only of the timber which would otherwise have been consumed was consumed. There had been no provision during those ten or twelve years for that accruing deficiency, and, therefore, when at the end of ten years there was a sort of spasmodic effort made by the right hon. Baronet (Sir John Pakington) to fill up the gap, and to get ten ships of the line and a number of frigates which they ought to have had, but had not, the store of timber broke down. It was said that it was a great feature in Sir Baldwin Walker's character that he found out there was no timber in the dockyards. Sir Baldwin Walker might have known that by asking any person who chose to look into the stock of timber and the amount of work ordered by this House. With the Report of the Dockyard Committee, showing how many loads of timber each ship would take, it became as clear as the sun at noonday that they must build with unseasoned timber. It was so apparent to him that he thought it right to call the attention of the House to it. A good deal of unseasoned timber had been put into these ships, and they would require a great deal of repair in consequence. What occurred with the gunboats? They had had to pull them to pieces and do them up again, and did they suppose that these ships of the line would not come into the same category? To put a hot boiler next to unseasoned wood was a safe receipt to produce rot. Whatever expense might be thus occasioned ought to be saved. Whether the French had 50,000 or 100,000 loads was nothing to us. It was the duty of our Government to keep our arsenals full of good timber, so that if the occasion should come there would be the timber ready for use. English oak was not fit for use until it had been three years in the dockyards, and those yards were now cleaned out. There was a very low stock of timber in the dockyards, and it was a first duty of the Government to get that stock up again. He did not want to go into general matters further than to remark, upon the observation of the hon. Member for Birmingham as to the amount of property at sea, that property at sea could be insured, but the honour of the country could not be insured except by proper ships and armaments. They might go to Lloyd's and insure property at sea, and it might be even better to get money instead of goods, but the honour of the country could not be insured except by stout ships and good men in them. He did not believe that any one who had looked into the question, and knew that unseasoned timber was used, would blame the Government for buying any quantity of good timber upon which they could lay hands. As to whether they would hereafter have iron ships, it was an uncertain matter, and the repairs of the ships which they now had during the next eight or ten years would take a large quantity of timber. In one respect he agreed with the hon. Member for Birmingham. He did not think that the country would go on standing £70,000,000 a year of taxes. The hot fit had gone on for a long while. He had seen cold fits, and he thought a cold fit would come again. He believed that the Government—he did not care who they were—had been behind rather than before the country in the matter of expenditure, and that no Government could have held their hands, so determined was the feeling to be satisfied that the national defences were in a proper condition. He thought, however, that before long the pleasure of paying £70,000,000 a year for it would make people think somewhat differently, and there would be a great necessity for a reduction of expense. It was his firm conviction, however, that the Vote for timber was an absolute necessity and an economical expenditure of money, and he should, therefore, cordially suppport the Government in the Vote.

Colonel SYKES denied that for the last fifty years the naval supremacy of this country had ever been in doubt. Even when the Navy Estimates were as low as £6,000,000 or £7,000,000 per annum our naval supremacy was as high as ever it was, and at present we had an armament equal to the navies of the whole world. He could not, moreover, admit that our naval supremacy depended on our having these 80,000 loads of timber in our yards. It is stated that an average of 50,000 loads are sufficient to meet all the ordinary requirements, the difference therefore, might be struck off the Vote, as the hon. Member for Sunderland proposed. In respect to other charges, it appears that in the last year's Estimates there were £15,000 for yachts and furniture of superintendents' houses, and £7,943 for boats. Were there, he asked, similar sums in the present Estimates? It seemed from the want of method in our dockyard that it was impossible to determine the exact cost of a ship. In India a system existed which insured an accurate knowledge of the outlay for any particular purpose. Stores were only issued upon induct and against each article issued in a parallel column, the price or cost was attached and the simple addition of this column, gave the total cost for whatever purpose the stores were issued. Could not that be done in the British Navy? Another question he asked of the noble Lord (Lord Clarence Paget) — had he turned his attention to the machinery which had recently been invented, and by which a boat 33 feet long could be made in ten hours?

Mr. CONINGHAM said, that the proceedings of the Admiralty in past years showed that they did not pay due attention to the discoveries of science, or take advantage of results which had been clearly seen by others. Year after year they had demanded large Votes for timber, and then, when they had got a wooden fleet greater than the fleet of all the world, they were startled by the announcement that France was ahead of them in iron steamers of a size and power that would blow all their ships out of the water. A revolution had taken place in ship building; iron was substituted for wood, and the result was that Government now came down and demanded a larger Vote for timber than ever they had done before. Could anything be more illogical? He trusted that the hon. Member for Sunderland would test the sense of the Committee on the subject, and if he did he should certainly give him his support.

Mr. CHILDERS complained of the noble Lord the Secretary of the Admiralty telling the House they had no alternative but to agree to this Vote. He thought the French Government, however despotic, had proceeded in a much more regular way with their naval budget. He wished to know whether, when he stated that the French supply of timber amounted to 160,000 loads, he meant English or French loads? If French, he believed, the amount would be about 90,000 English loads. He hardly thought the French Government could, as a commercial operation, have procured the quantity of timber in the time.

Lord CLARENCE PAGET said, that the load of timber in France was 40 cubic feet, and those were the loads which had been referred to. The grounds upon which his noble Friend at the head of the Government had stated that there were 160,000 loads of timber in the French dockyards were that, according to the last accounts received by the Government, there were at Cherbourg 29,000 loads; at Brest, 30,000; at Toulon, 37,000; at Rochefort, 26,000; and at L'Orient, 25,000, and 7,500 ordered. Hon. Gentlemen asked what would be the result of this Vote. He trusted that if the Vote was agreed to we should probably have at the end of the year a stock of 82,000 loads. At the rate of expenditure which prevailed last year, that would give us one year's, or at the usual rate two years' stock in hand. It had frequently been said that our navy outnumbered the united navies of the world. Hon. Gentlemen were very much in error if they supposed that any such great superiority of force existed on the part of this country. He had received accounts of what was doing in the French dockyards, which showed that the Government was not only justified from time to time in keeping up the stock of timber, but that they were imperatively called upon to consider what further exertions were to be made in the preparation of iron-plated ships. His hon. Friend the Member for Sunderland (Mr. Lindsay) might very possibly be incredulous, but he could give not alone the names of every ship which had been laid down in the French dockyards, but the date of her being put upon the stocks, as well as her present condition. Since he had the honour of laying the Estimates on the Table of the House nine iron-cased frigates had been either laid down or were being laid down in France. In addition to the six iron-cased ships whose names were given in a former debate, the *Provence* had been laid down at Toulon in the present month; her model being an improvement on that of *La Gloire*. The *Savoie* had been laid down this month, also at Toulon. At Brest, the *Revanche* was laid down in March, the *Magnanime* in May, and the *Gauloise* and *Valeureuse* at the same port. The *Heroine* and the *Surveillante* had been laid down at L'Orient; and there was another iron-cased vessel, whose name was as yet unknown; completing the number which he had stated. His hon. Friend the Member for Sunderland might laugh; but he did not believe he would do so if he shared the responsibility devolving on Her Majesty's Government. His noble Friend at the head of the Government had been charged with an inclination to sing "Rule, Britannia!" but he did not believe either the hon. Member for Birmingham or the hon. Member for Sunderland would be averse to join in the chorus As the intelligence relating to the construction of these ships in France rested on the very best authority, the Government would be neglecting their duty to the country if they neglected to make corresponding preparations.

Mr. DALGLISH said, much stress had been laid on the fact that timber required to be seasoned. But of the £700,000 worth of timber bought last year, £200,000 were expended on teak timber, which it was well known did not require seasoning. English oak was one of the most expensive kinds, but as the large class of ships for which it was principally used were less in favour now than heretofore, he thought a considerable saving might be effected under this head. Unless we were to continue the "spasmodic effort" referred to by the right hon. Member for Oxfordshire, he could not conceive on what grounds this Vote could be asked for.

Captain JERVIS said, he could not understand the strong opposition to the proposed Vote for timber, of which less would be required in future years if a large quantity were now purchased, the only question being whether the Government should have it in store or not. It might be against the mercantile interest of the timber dealers that Government should have the power of laying in a large stock at a cheap rate, but it certainly must prove beneficial to the country. A case occurred not long since when timber could be bought for 4½*d.* a foot; but as soon as it was known that Government was in the market, the price rose to 7*d.* He thought the Government would do well to provide for laying in a large stock, by entering into contracts extending over a considerable period. The Motion of the hon. Gentleman ought not to be looked at as one dealing simply with timber; it formed part of a general scheme to cut down the Navy Estimates by one-third.

Mr. WHITE said, that this was the first time this Session he had taken any part in the discussion on the Estimates, because he found that a vast amount of time was consumed without any good result. He was confirmed in the opinion he had previously entertained of the hopelessness of attempting to effect a reduction in the national expenditure, by the statement contained in the admirable work of the accomplished gentleman (Mr. Erskine May), who sat by the side of the chairman, that

> "With a few exceptions, so trifling as to be almost ridiculous, it will be found that the annual Estimates have been voted without deduction."

And it is stated

> "That in 1858 the only instance of a successful Motion of an economical character was afforded by the notable case to which the House eliminated from the Estimates the travelling expenses of the Fine Arts Collector of the Royal Academy."

He grounded his objections to the Vote on the statement of the noble Lord (Lord Clarence Paget) himself, who said that contracts had already been made for timber to the full amount asked for. He should be sorry to use harsh language towards the noble Lord, or to say that this seemed like raising money on false pretences; but he put it to the candour and fairness of the noble Lord, whether he ought to submit an Estimate to a Committee for nearly a milllion sterling, founded upon contracts already made, without placing those contracts before the House. He thought, too, it was something like a false pretence not very creditable to Government that they should pretend to give these Estimates with the minute accuracy of odd figures, Why, Sir, instead of asking for exactly £949,371, did not the noble Lord say at once that the Government wanted a million to pay for timber which they had entered into contracts to purchase? He did not wish to obstruct public business, or he would have moved that "the Chairman do report Progress," in order that those contracts might be produced before the money was voted. Under any circumstances, he could not see that the honour and glory and supremacy of the country depended upon the House voting the whole amount now asked for timber, and he should, therefore, support the Amendment.

Mr. MITCHELL said, the hon. Member who had just sat down ought, as a man of business, to have known that contracts for timber, to be of any use at all, must be entered into early in the year. It might be the fault of the Government, though the House was also to blame, that the Estimates were postponed till this time; but if the contracts were delayed till the month of June the consequence would be that no timber would be obtained this year at all. On the general question he might state, as having some knowledge of the timber trade, that the Government could not possibly have selected a better year than the present to make purchases in. The general tendency of the price of timber was to advance, because every year they had to go further into the forests to obtain it; but this tendency was corrected in the present year by the low rate of freights, and the general disorganization of trade.

Mr. LINDSAY said, he was very much surprised to hear the hon. Member for Bridport (Mr. Mitchell) say that this year, of all others, was the best for laying in a large stock of timber. The average price of teak was from £10 to £11 a load; this year it was from £16 to £17. This was surely no evidence of the present being a favourable season for the contract. He wished, however, to narrow the discussion. He would not go into the question of the number of French war ships or the quantity of timber in the French stores, though he suspected that there was some mistake in respect to them. But what he wished to fix the attention of the House on was the supply of timber to our own yards for the present year. The noble Lord the Secretary for the Admiralty said that this million of money would purchase 73,000 loads of timber, and that we should thus have 80,000 loads of timber in store. Taking the ten years from 1848 to 1858, he found that the greatest quantity stored in any one of those years was 40,000 loads, and the least 18,000 loads. If those quantities were sufficient when we were building nothing but wooden ships, what did we require with a stock of 124,000 loads—the sum of the 51,000 now in stock, and the 73,000 proposed to be purchased—at a time when the Admiralty admitted that it was not desirable to build wooden ships of a large class, and that we must go with iron vessels? He asked the Committee to take £300,000 off the £1,000,000, and if they did so they would still leave the Admiralty much beyond the amount expended in an average of ten years during which wooden ships alone were being built.

Motion made, and Question put,

> "That the item of £949,371, for Timber, Mast Deals, &c. be reduced by the sum of £300,000.

The Committee *divided*:—Ayes 30; Noes 66: Majority 36.

Original Question again proposed,

Mr. LINDSAY moved that the Chairman report Progress, and ask leave to sit again. An important constitutional question was involved in what the noble Lord (Lord Clarence Paget) had stated regarding voting on these items. He desired that a copy of the contracts which had been entered into by the Government should be laid on the table of the House. It was a sheer waste of time for him to come down night after night to discuss these questions, and for the House to consider them, if they were to be told that the Government stood pledged to these votes, and that the House must bow to them.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again.

Viscount PALMERSTON said, he was sure the House would be ready to hear the arguments which any Gentleman wished to urge upon this question. The particular Vote before them had been already well discussed on both sides, and he hoped that the hon. Member would not persist in the Motion which he had made.

Sir JOHN PAKINGTON confessed, that he had been much struck by the very unusual language of the noble Lord the Secretary to the Admiralty. He had supported the Government upon the merits of this question, but he was surprised to hear an argument put forth the tendency of which the House could not but regard with jealousy. The effect of the statement made by the noble Lord was that the House had no option but to agree to a Vote in any case in which the Government had entered into a contract. Of course it must be necessary for the Government occasionally to enter into contracts, but such contracts should be made subject to the approval of Parliament; and, at all events, the argument employed by the noble Lord was not one that ought to be used in that House.

Lord CLARENCE PAGET said, it was absolutely necessary to purchase the timber from year to year, and to give the contracts from one to three years in advance—undoubtedly, all contracts were subject to the approval of the House; but it was perfectly clear that they should never find timber contractors willing to go to the expense of sending out ships for a supply of timber if they were told that their contracts would not be binding until it received the approval of Parliament next year. If a plan could be suggested to meet that difficulty, Government would be very happy to consider it. He hoped the hon. Gentleman (Mr. Lindsay) would not press the Motion.

Mr. BRIGHT asked if there would be any objection to place on the table the particular contracts to which the noble Lord had referred? He did not know that there was any special mystery in the timber trade. Contracts for spirits and other articles were made public, and he did not understand why an exception should be made in the case of timber. Perhaps the hon. Member for Bridport (Mr. Mitchell) could tell the House if there did exist any particular mystery about the timber trade, seeing that he had already stated several things which hon. Members had previously been quite ignorant of. He did not see any reason why they should not get the particulars they required in regard to timber. He did not like to say he disbelieved anything that was said on the Treasury bench, but he thought it possible that the contract might not include the whole sum named in the Vote. A million of money for timber was a very considerable sum, and the House ought to be furnished with the fullest information regarding it.

Mr. BASS asked if the noble Lord would give the exact price on which the contracts for the timber were made?

Lord CLARENCE PAGET held in his hand a statement of the cost of each class and article of timber that was to be provided under the Vote. It was possible that certain portions of the timber might not arrive within the time proposed, owing to ships being lost and other causes.

Mr. E. P. BOUVERIE said, that last year they were told they were bound to fulfil a contract made by the Admiralty. The House of Commons, however, on that occasion decided by a considerable majority that it was not bound by that contract. It was essential for the House to know how long these contracts had been entered into. He doubted whether the Departments ought to enter into large contracts without the sanction of the House of Commons.

Mr. BAXTER wished to know in respect to what other items in the Estimates the Government had entered into contracts? If there were any more contracts, the proceedings of the Committee were almost a farce.

Mr. MITCHELL said, that so far as he knew, there was no reason why every contract should not be laid on the table. It would, however, be better that the returns should have a more extended shape, and include all the contracts for transport during the last ten years. If the hon. Member for Sunderland (Mr. Lindsay) would move for such a return he should cordially second the Motion.

Mr. BRIGHT said, he did not complain that the Government had made contracts for moderate and usual supplies, but that they had ordered an unusual quantity of timber under circumstances that did not justify such extensive contracts. He hoped the noble Lord would consent to the return; but, as it would be better to confine themselves *ad rem*, he saw no reason for gratifying the antiquarian researches of the hon. Member for Bridport.

Colonel SYKES thought it was not necessary to enter into contracts without the consent of the House when they sat seven months in the year.

Lord CLARENCE PAGET said, he had been asked for the date of these contracts. He regretted to have to mention the date of one of them, because it was made when the right hon. Member for Droitwich (Sir John Pakington) was at the Admiralty. and anticipated the Parliamentary Vote by two years. There were two contracts for English timber—one for oak, dated January 28th, 1859, and the other for elm, dated January 16th, 1861. The contracts for Italian oak, African timber, and Spanish and Mexican woods, had been taken at various periods, from 1859, to 1861. He had no objection to lay the dates of contracts on the table; but as to the prices he was not sure, without inquiry, whether it would be advantageous that they should be published.

Sir JOHN PAKINGTON said, he had found no fault with the Government for entering into these contracts; what he said was that it was very unusual that that House should be told that they had no option about passing a particular Vote because the contracts had been already entered into by the Government. He hoped he should never hear such an expression again.

Question put, and *negatived.*

Original Question again proposed.

Motion made, and Question proposed,

"That the item of £271,757, for Metals and Metal Articles, be reduced by £71,757."

Mr. LINDSAY moved that the item of £271,757 for metals be reduced by £71,757. Much of this metal consisted of bolts and knees for wooden ships, and, as it was not considered advisable to go on building large wooden ships, these bolts, &c., would not be wanted. Another charge under this item was for anchors. He would not enter upon the controversy between Mr. Trotman and the Admiralty further than to say it was now ten years since he sat upon a Commission appointed to inquire into the merits of the different anchors. Six of the Members of that Commission were well known and large owners of vessels in the merchant service, comprising Mr. Duncan Dunbar, Mr. G. Marshall, and other eminent shipowners, and the other six were gentlemen connected with the Admiralty, including Admiral Stopford, Admiral Hope, and other competent judges. The Commission took three months to test the various anchors, and the conclusion to which they unanimously came was, that the Admiralty anchor was the worst of the lot. Since that time the Admiralty continued using the condemned anchor and no other, and the manufacture of anchors had never been submitted to public competition. For twenty years one firm had held the contract at the price fixed twenty years ago, though every one knew that Nasmyth's hammer and other inventions had materially reduced the cost of fabrication. For seventeen anchors the Government paid to the contractors £3,434 17*s.* 6*d.*; whereas the market price for such anchors made by the most eminent firms was only £1,428. Such being the case in regard to the cost of anchors, there was reason to conclude that the cost of other articles was also much too great, and he hoped the Committee would not consider him unreasonable in now moving that the present item be reduced by £71,000.

Sir JOHN TRELAWNY thought some explanation should be given of the reason why Mr. Trotman's anchors were not adopted. It was stated that an anchor of Trotman's, weighing 15 cwt., and costing £90, was equal in every respect to an Admiralty anchor costing £365. He understood that the Admiralty were endeavouring to transform some anchors of Porter's into Trotman's anchors. He thought it would be very much better to discard all the anchors now in use instead of attempting to convert them, and to substitute anchors on Trotman's principle.

Sir JOHN PAKINGTON said, there were two things which the hon. Member for Sunderland had not told the House—one was, what principle guided him in the reduction of £71,757 which he had fixed upon; the other was, what was the reason why the Commission to which he had alluded considered the Admiralty anchor the worst of the five. The relative merits of these anchors was not a subject upon which a landsman could form a very good opinion. He (Sir John Pakington) had frequently asked different naval officers as to the respective merits of the anchors, and they had invariably told him that Trotman's anchors when once they took hold of the ground were the best; but that they could not rely on their biting; and that, therefore, upon the whole the Admiralty anchor was the safest, because they could always depend upon it taking the ground.

SIR JOHN TRELAWNY said, that Captain Denman spoke very highly of Trotman's anchor, and so also did the noble Lord the Secretary of the Admiralty, whose opinion he (Sir John Trelawny) had before him in a pamphlet.

SIR JOHN PAKINGTON said, that Captain Denman's opinion was formed on his experience while in command of the Royal yacht the *Victoria and Albert;* but, as they all knew, the *Victoria and Albert* was never exposed to very heavy weather.

MR. CONINGHAM wished to know why the contract for these anchors was not thrown open to public competition?

LORD CLARENCE PAGET was an advocate for opening all contracts as far as possible, but the last contract he would put up to publi ccompetition was that for anchors, because the anchor was an article on which the sailor should be able to depend. There ought not to be any risk on an article so important. There was always an annual dispute about anchors in that House, and some hon. Gentleman always described the Admiralty anchor as the dearest and worst. In point of fact, however, Trotman's was really the dearest. Trotman had never made anchors for the navy above the class of from 30 to 49 cwt. The Admiralty anchor cost £2 3*s.* the cwt.; Rogers' anchor, £2 4*s.*; Porter's, £2 8*s.*; and Trotman's, £2 10*s.* per cwt; though Mr. Trotman would probably write a letter to the newspapers to-morrow denying the statement. With regard to the question of converting the anchor now in use, Government had in the dockyards a lot of Porter's anchors, which were very similar to Trotman's, and a certain number were being converted into Trotman's anchors. He had little doubt, however, that the Report on them would be that they had certain advantages and certain defects; but that, upon the whole, the defects outweighed the advantages. If an anchor did not bite at once the ship would drive three or four cables' length, and for anchoring in line of battle they were obliged to have an anchor that would bite at once.

MR. LINDSAY said, a Commission had reported ten years ago that the Admiralty anchor was the worst, and that Trotman's stood highest. Trotman's anchors did not require to be so heavy as others, and, therefore, they were the cheapest, though they might cost more per cwt. One reason why he asked for a reduction of the Vote was because he had reason to know that anchors were manufactured at a much cheaper rate by private makers than by the Government contractors. Believing that there were many other points upon which the Vote might be reduced, he should take the sense of the Committee.

SIR JOHN TRELAWNY said, he had found Trotman's anchors both convenient and efficient, and never observed that they were slow in biting.

MR. E. P. BOUVERIE said, he was afraid the Committee were not very competent to decide this controversy. Had he correctly understood the hon. Member for Sunderland to observe that not only were there Admiralty contracts for anchors running twenty years, but that the price charged was the same as that charged twenty years ago?

LORD CLARENCE PAGET said, it was not the fact that the price of anchors remained always the same, because they depended on the market price of iron, and the price lists of Messrs. Brown and Lennox were revised from time to time. He also explained that it was owing to more ships being in commission that there was some increase in the Votes.

MR. LINDSAY wished to ask, whether it was the fact that seventeen anchors, which had cost the country £3,434, could be obtained of the trade at £1,428?

LORD CLARENCE PAGET had never heard of any such charge; and he might add, that the Admiralty were always open to tenders from the trade.

MR. BRIGHT said, the reason the noble Lord had given of the increase in this Vote was because more ships were in commission; but in a subsequent Vote he had asked £50,000 less for coal; and coal was dearer this year than last.

LORD CLARENCE PAGET explained that the Chinese expedition had greatly increased the charges for coal in the last Estimates.

Question put,

The Committee *divided:*—Ayes 32; Noes 76: Majority, 44.

Original Question again proposed.

Mr. LINDSAY moved the omission of the item of £100,000 for iron for an iron-cased ship to be built at Chatham Dockyard. He had no desire to stop the building of iron-cased ships; but he objected to the Government undertaking the work, because private firms could do it better and for less money, and the workmen in Her Majesty's yards were wholly inexperienced in the art of constructing vessels of iron; and he objected to the selection of Chatham, on account of the difficulty of the navigation of the Medway, and because there were no facilities there for the construction of iron-cased ships. It was impossible to say where the expenditure at Chatham would end if once commenced, for the dockyard would have to be extended and improved, new plant for the building of iron-cased ships would have to be provided, and the sum of £100,000 included in the present Vote could only be regarded as a third or fourth part of the cost of constructing a single ship. He also agreed with the Dockyard Commissioners in thinking that the building of iron-cased ships should not be carried on in any of Her Majesty's dockyards under the existing system of accounts.

Motion made, and Question proposed,

"That the item of £100,000, for Iron for an Iron-cased Ship to be built at Chatham, be omitted from the proposed Vote."

Mr. CONINGHAM seconded the Motion. The Government were the worst manufacturers in the world, and the work performed by them ought at once to be placed in the hands of private traders. He had seen plans of a proposed extension of Chatham Dockyard, the ultimate cost of which would not be much below £1,000,000. While the Government were insisting on a larger expenditure on timber, they called on the Committee to launch into this new expenditure for making a gigantic dockyard, and for iron ship building at Chatham. He protested against it. He had the strongest conviction that the whole was a most abominable job, if they could only get at the bottom of it.

Sir FREDERIC SMITH observed that the proposed extension of the dockyard at Chatham had been recommended by the late Mr. Rennie many years ago, and had nothing whatever to do with the construction of iron ships. Mr. Rennie's object was to increase the floating surface in the yard which is at present very insufficient. There was great space for effecting this means of working economically, and advantages of every kind. The work would be performed by convict labour; and he only objected to the time that would be occupied in completing it. The great value of Chatham Dockyard was in its position, for by reason of its distance from the coast, and the protection afforded by the defences of Sheerness, it was secure against the sudden attack of an enemy's fleet. He thought it most desirable to have one iron vessel built in a Government yard, if only to test of the resources of the public establishments in these matters, and to experiment on the various modes of construction. Any one who has read the correspondence with the builders of the *Warrior* must be convinced of the advantage that would arise from this. There was no end to the alterations which had to be made, the whole thing being an experiment. There was no reason why an iron vessel might not be as well and economically built at Chatham as in any private dockyard. The Commissioners had stated that the present system of accounts would not enable the Government to form any test of the prices charged by private builders; but they had the assurance of the noble Lord that the system of accounts would be immediately altered, and everything in that respect would be placed on a more satisfactory footing.

Mr. BRIGHT said, he thought the hon. and gallant Member for Chatham was scarcely an impartial counsellor in this matter. Possibly if he had been Member for some other constituency a film might have fallen from his eyes, and he might have agreed with the Motion of his hon. Friend (Mr. Lindsay). As for the argument about this being a test of expenditure, everybody knew that the building of a first ship was no test of expenditure. The cost of a first ship, a first steam engine, or anything of the kind for which a model was required, was half as much again as any subsequent construction. The hon. and gallant Gentleman might as well set to make his own coat, and having ascertained the cost, think he could better judge whether his tailor imposed on him. This was the most flimsy argument he (Mr. Bright) had ever heard. This Vote reminded him of that which was proposed some years ago for the dock at Keyham. That Vote remained on the Estimates for nearly twenty years; and at the end of that time, after a million of money had been spent, a Committee of the House reported that the whole scheme was a mistake, and they would not recommend the House to spend another sixpence had it not been for the previous outlay. They did, however, recommend throwing more good money after bad; and what the result was he (Mr. Bright) did not know. He wished to know whose scheme this was of building an iron ship at Chatham? Who recommended it? Was it the noble Lord or the noble Duke? What were the views of the right hon. Baronet (Sir John Pakington) on the subject? All that the Committee knew was who would have to pay for it. He thought the matter should be referred to a Committee, upon which he should be happy to see the hon. and gallant Member (Sir Frederic Smith) who might represent the interests of his constituents in the matter—and it would be found whether or not the Government had a good case for going on with the scheme.

LORD CLARENCE PAGET observed that the Vote had no connection with the proposed dock at Chatham. He hoped the hon. Member would not press his Motion to a division. He was bound to say that part of this iron had been ordered. It had been decided by the Government as a matter of urgency that an iron vessel should be built in a Government yard, and Chatham was chosen, for various reasons, as being the most eligible dockyard in which to commence such a vessel. It was not solely with a view to make comparisons of cost that the Admiralty were building this iron vessel, but to enable them to carry out certain experiments and make any alterations which might become nessary in consequence of the extrardinary problems which were in process of solution in regard to the power of artillery, and the resistance of iron plates during its construction. Chatham was chosen because there happened to be a very large dock finished, all but the gates, and the building of such a vessel in a dock would be attended with important facilities.

MR. DALGLISH observed that the noble Lord, when out of office, found great fault with the Admiralty; but now, when he was in office, his views were quite changed. The ironworks at Chatham consisted of a mere wreck of a smithery—a perfect disgrace to a dockyard—and yet the Admiralty now declared that that yard was best fitted for such works as were proposed. He should support the Amendment, and he hoped the hon. Member would take the sense of the Committee upon it.

MR. FINLAY thought that experience had shown that the dockyards could not compete with private builders. At present we contracted for steam machinery, and he could not understand why we should not contract for iron ships. If once machinery was created in the dockyard for building iron ships there would be a continual demand for fresh outlay, lest what had been spent should remain useless.

CAPTAIN JERVIS wished to know whether it would be attempted to make wrought-iron plates in the dockyards?

LORD CLARENCE PAGET said, the iron skins of ships would be made at Chatham, but the armour plates would be made elsewhere; he believed by the Butterley Company.

MR. HENLEY thought the Committee should have some information of what the whole expense of new machinery in the yard would be when they were asked to agree to the adoption of a new sort of manufacture. It was said that the plan should be tried for two reasons; first, that the Government should have an opportunity of making changes and experiments; and next, that they might know what the real cost was. But it was desirable that the Committee should not come to any decision until they knew what would be the whole expenditure in the dockyard. If the factory at Chatham was the wreck it was said to be, it was quite clear that other sums would be wanted to make it fit for the operations which were intended to be carried on there.

MR. ALDERMAN SALOMONS asked whether the *Achilles* was only in contemplation of being built or whether the keel had actually been laid?

LORD CLARENCE PAGET said, the keel of the *Achilles* was not yet laid, but a great deal of ironwork intended for that ship had been done. In answer to the right hon. Gentleman the Member for Oxfordshire, he had to say that when last year the Admiralty decided to build the *Achilles* at Chatham, an application was made to the Treasury for its sanction to expend £4,000 in erecting machinery, and the correspondence upon the subject was printed with the Estimates. Having spent £4,000, they now required £2,800 for further machinery.

SIR MICHAEL SEYMOUR thought the question was whether, as our fleet was about to become an iron fleet, we should have the means of repairing the ships in the national dockyards. He regarded this commencement at Chatham as a proper experiment to ascertain whether iron ships could be built and repaired in the dockyards, instead of in private establishments.

Mr. E. P. BOUVERIE considered this was a very important question, involving not a few thousands only, but no less than £1,000,000. No doubt contract work was sometimes cheaper than Government work; but then in shipbuilding in private yards there was never any absolute security for the quality of the article produced. Hitherto the principle adopted had been to incur the greater expense of building in the Royal yards instead of having ships which might be cheaper, but upon which you could not depend when the pinch came; and the gunboats built at the time of the Crimean war were an unfortunate instance of the latter case. The question now was whether they ought not in common prudence to compete in the Royal yards with private builders in the construction of iron ships. He doubted the wisdom of trusting entirely to the contract system. As he understood it, these were not purely iron ships, but wooden ships covered with iron casing. Then, again, there was as much difference in the quality of the iron supplied as there was in the quality of timber. He was prepared to vote with the Government on this question, thinking that, on the whole, the course they proposed was the more prudent one.

Mr. BRIGHT said, no doubt there was as great a difference in the quality of iron plates as there was in the quality of timber, and he feared they should find that the moment the Government embarked in this kind of business they would discover that it was absolutely necessary to begin the manufacture of the iron plates. By sanctioning this Vote, therefore, the Committee would be really establishing another large business. His hon. Friend (Mr. Lindsay) had shown from the Report that ships cost 50 per cent more in Government than in private yards; but even this calculation did not include the interest of money sunk in plant, and if this were taken into account it would probably be found that a ship cost double in Government what it did in private yards. This would, no doubt, hold good of iron as well as of wooden ships. The factories which would be necessary at Chatham would be of the most expensive character—and, in fact, the House of Commons would be doing in the future what they were continually lamenting having done in the past. The hon. Member for Glasgow (Mr. Dalglish), who had served on the Commission, and who knew all the circumstances, told the Committee that nothing could be more unadvisable than such an expenditure; and they would be embarking in it without any inquiry and without any information beyond the very hesitating and ambiguous information furnished by the noble Lord the Secretary of the Admiralty. He warned the Committee that this Vote was but an ambuscade, and that year after year they would be led into enormous Votes, until they found that they had spent a million of money, as at Keyham, with unnecessary and reckless waste. No one but the hon. and gallant Member for Chatham had shown himself enthusiastic about this expenditure, and he thought the noble Lord at the head of the Government might therefore very well suspend the Vote and allow an inquiry, which, if the Government were right, would only confirm the scheme they had propounded.

Mr. ROEBUCK: I hope the House will consider whether it is wise to build these iron ships at all. A constituent of mine recently called upon me and told me that he had offered the First Lord of the Admiralty to build a gun at his own expense which would throw 1,000lbs. of shot; and remarked, "What do you think he said to me?" I replied, "God forbid I should attempt to fathom the wisdom of a Lord of the Admiralty." He then said the answer he got was, "It is not in my department." My constituent made the same offer to the War Office; and he said, "Do you know what answer I got?" I replied, "If I were unable to divine the wisdom of a First Lord of the Admiralty, do not fancy I am bold enough to attempt to fathom the wisdom of a Secretary of State." He then said the answer he got was, that if he submitted his plan they would consider whether it was worthy of being accepted. I asked what would be the effect of his gun, and he said it would go through the sides of the *Warrior* as easily as through blotting-paper. If that statement were true, there would be little wisdom in building vessels like the *Warrior*.

Lord CLARENCE PAGET, in replying to the hon. Member for Glasgow (Mr. Dalglish), denied that the smithery at

Chatham was a ruin, and said that it was quite as good a smithery as any in the other dockyards. With regard to the statement made by the hon. and learned Gentleman (Mr. Roebuck), if it were even true that a 1,000lb. shot could be easily sent through the sides of the *Warrior*, that would not alter the merits of iron-cased ships as compared with wooden ones. If they had only shot to deal with the superiority of the former might not be so marked, but unfortunately they had to deal with shell, and especially with a new kind of shell, filled with liquid iron, which was very murderous, and very destructive to wooden ships. The main superiority of the iron-cased ships was that they were safe against shell.

Question put,

The Committee *divided:*—Ayes 31; Noes 66: Majority 35.

MR. LINDSAY said, he would make an appeal to the noble Lord at the head of the Government. He had given notice that he should move various other reductions; but he did not want to take any step which might appear factious, or uselessly to take up the time of the House. The principle of three of his Amendments had been already discussed, and therefore he did not propose that it should be discussed over again. He was ready to yield these points, provided the noble Lord would consent to postpone the Vote of £140,000 for two troop ships and £60,000 for machinery for those ships until the report of a Committee of which he was Chairman, which would be made in a fortnight, had been laid on the Table.

VISCOUNT PALMERSTON said, at that hour of the night he could not resist the postponement of the Vote till to-morrow, but he could not consent to the postponement till a Report of a Committee was laid on the Table, as that might be postponing it for an indefinite period.

House *resumed.*

Resolution to be reported *this day.*

Committee also report Progress.

Report to be received *To-morrow.*

Committee to sit again *this day.*

House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Thursday, May 24, 1861.

The House met, and Forty Members not being present at Four o'clock, Mr. Speaker adjourned the House till *Monday* next.

HOUSE OF LORDS,

Monday, May 27, 1861.

MINUTES.] PUBLIC BILL.—1^a Landed Property Improvement, &c. (Ireland).

OFFENCES IN TERRITORIES NEAR SIERRA LEONE PREVENTION BILL.

SPAIN AND SAN DOMINGO—THE SLAVE TRADE.—OBSERVATIONS.

Order of the Day for going into Committee on the Offences in Territories near Sierra Leone Prevention Bill read.

LORD BROUGHAM said, he highly approved this Bill. He thought it absolutely essential that the extension proposed by this Bill should be given to the jurisdiction of Sierra Leone. He considered that this Bill improved the constitution of that colony, and tended to increase the benefits which we had given by it to the unhappy people of Africa, being, as Mr. Pitt once said, a very, very small compensation for all the evils we had been a party to inflicting upon them. Those evils had been continued to the greatest extent, and in a far greater degree than any act of ours, by the extension of that jurisdiction, how beneficial soever, could tend to remedy—he alluded to the atrocious conduct of Spain in that increase of the African slave trade, which, notwithstanding the treaties entered into, and the sums of money actually paid to that Power as compensation, had increased from 12,000 slaves imported into Cuba in 1857 to 16,000 in 1858, and to no less than 30,000 in the year 1859. Now, we found that Spain was increasing her dominions in the West Indies by the annexation of Eastern San Domingo; and he was by no means satisfied with the assurance given him when he last mentioned this subject in the House, that there was no intention on the part of the Spanish Government to introduce slavery, and thereby also, as a consequence, the slave trade, to that territory. Having had access to the decree of annexation by the Spanish Government since he last addressed their Lordships, he found it stated that "it was impossible to reject the prayers of a whole nation imploring readmission into the bosom of the mother country." So said the Spanish Government. What said the Governor of Hayti, General Geffrard? He distinctly called that statement an absolute falsehood. He denied that there was any imploring of the people of the Eastern territory to be admitted into the bosom of the mother country; and he added that in the circumstances of the country it was utterly impossible that the free-will of the people could be known; for General Santana had established the reign of terror so entirely over them that "they," to use General Geffrard's own expression, "trembling under it, could manifest no free-will." The decree stated that the annexation of San Domingo had taken place, and the same decree went on to say—

> "Already the Spanish flag is flying under that sky where the immortal Columbus had borne it, with the Gospel in his hand, to plant that civilization the most glorious of all then known."

Royal memories were proverbially short, and in this case the Royal memory of Spain was no exception to that rule; for had the Spanish Government recollected their treatment of Columbus, they would have been ashamed to name the man whose immortal services they requited by sending him home in chains, which were struck off, no doubt, in deference to the popular indignation, but which he demanded should be buried with him when a few years afterwards he died in absolute want. It was also a sample of short memory on the part of Spain that she referred to "the Gospel which he carried in his hand," and which the Spanish Government had desecrated by a series of constant ruthless persecutions. And as to the civilization which they bragged of having given to the New World, it was testified in their exterminating the natives by packs of bloodhounds. He observed that the decree said—"Slavery, the inevitable evil of the other colonies, is altogether unnecessary for the cultivation of that fertile territory." Was San Domingo more fertile than Cuba? Nothing of the kind. And it went on to add that "there is no intention of re-establishing slavery there." He did not know what the intention of the Spanish Government might be. Perhaps there was no intention of establishing the slave trade when the Spanish Government bargained for a sum of money and engaged to put it down instead of extending it. Nevertheless they had extended it. The means by which they announced their intention to carry on the Government of their new acquisition were not such as gave him any very great confidence in their want of intention to establish slavery there. For to whom did they entrust the execution of this decree? The execution of the decree of annexation was entrusted to the Captain General of Cuba, who was to take the necessary means of carrying it into execution. Now, if there was a Captain General in all the world whom he should trust less than another for not planting slavery again in San Domingo, it would be the Captain General of Cuba—that he should have absolute confidence in him for extending the establishment of slavery in that part of the Spanish dominions. He had no hesitation in saying that he regarded with the utmost possible suspicion this conduct of the Spanish Government; and, recollecting their conduct on the slave trade in the island of Cuba, he was not in the least degree moved by the disavowal of their intention to introduce slavery into San Domingo, being perfectly convinced that they would re-establish it there if they had any temptation to do so. It was well known that Cuba had now been for years and years a refuge for the distressed nobles of the highest rank at the Court of Madrid, when sunk in poverty by their own extravagance and loaded with debt, and who returned from the colony in a year or two afterwards full of plunder, which plunder consisted of the bribes paid to them for the evasion of the abolition law and the introduction of slaves in that island.

House in Committee; Bill *reported*, without Amendment; and to be read 3^a *To-morrow*.

House adjourned at half-past Five o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, May 27, 1861.

MINUTES.] PUBLIC BILLS.—1° Jersey Court; Consolidated Fund (£10,000,000).
3° Tramways (Scotland).

CUSTOMS AND INLAND REVENUE BILL.

COMMITTEE. FIRST NIGHT.

Order for Committee read.

MR. NEWDEGATE: Sir, in the first words I venture to address to the House, I would beg to call the attention of hon. Members to the terms of the Motion of which I have given notice. They are—

> "That, whereas the embodiment of the principal financial proposals of the Government in one Bill unduly increases the power of the Government over the taxation of this country, and the interests thereby affected, limits inconveniently the

> action of this House, and would annul the well-ascertained function and privilege of the House of Lords, it be an instruction to the Committee to divide the Customs and Inland Revenue Bill, so that each of the taxes to which it relates may be separately treated."

I gave notice of that Resolution, I trust, in no spirit of presumption. It would be ridiculous on my part to attempt to dictate on a constitutional question to the House; but I had no opportunity of giving notice of the Motion till the last day before the recess; and I felt that my position as a humble but independent Member of the House required that I should in this notice give a clear expression to the objections which moved me as an independent Member of the House to take the course I do. It is not, however, my intention to submit to the consideration and decision of the House, either of the abstract propositions which are contained in this notice; although I firmly believe that each of these propositions is true — that the form of this Supply Bill tends to confer upon those who represent the power of the Crown in this House an undue control over the taxation of the country; and an undue influence over the interests thereby affected. Although I hold also that the form of the Bill limits inconveniently the action of this House; and although I further hold that if adopted this form of Supply Bill will annul the well ascertained function and privilege of the House of Lords—a function and privilege the exercise of which was admitted to be rightful by a Committee of this House which was appointed last Session to consider this subject—I will now only submit for the decision of the House the operative part of the notice which stands in my name. I, therefore, now move—

> "That it be an instruction to the Committee to divide the Customs and Inland Revenue Bill, so that each of the taxes to which it relates may be separately treated."

Sir, I am told that an impression has gone abroad that I am unduly intruding on the time of the House, and that the object of my Motion is unnecessarily to obstruct the progress of the Government business. I most emphatically disclaim the truth both of the one and the other of these imputations; because the House will recollect that, although an attempt was made to discuss upon the second reading of this Bill the form in which as a Supply Bill it has been proposed by the Government; although an attempt was made to discuss the effect of that form upon the free and legitimate action of this House, and upon the privileges of the House of Lords, that attempt was found to be utterly futile. For, as we proceeded, we were crossed in debate upon the constitutional question involved in the form of the Bill by discussions on the several substantive proposals contained in the Bill; and, as each substantive proposal was different from the other, such was the confusion of the debate that no issue could be taken on the second reading of the Bill but a question of confidence in the Government who proposed it. This, then, is the first occasion on which the questions arising out of the form of the Bill can, according to the rules and orders of the House, be distinctly submitted for our decision; and I most sincerely lament that, owing to the circumstances in which the different parties in this House are placed, the subject has fallen into my hands, for I should not have undertaken so grave a task had it not appeared to me that it had fallen to my lot and to have become my duty to beg the House to consider the gravity of the questions which are involved in the form of the Bill proposed by the Government. Now, I think that what occurred on the second reading must have satisfied every hon. Member that, on that stage of a measure of this sort, including, in the present instance, as I hold unduly and improperly the imposition of the income tax, the repeal of the paper duty, and the imposition of the Customs duties upon tea and sugar, no distinct issue could have been taken on either of these matters of finance separately, but merely a vote of confidence or a vote of want of confidence in the Government, who are responsible for the form of the Bill. To raise that issue is not my object, and it ought not to be the object of the House to raise it; because the function and the privilege of the House of Commons has hitherto been to discuss and decide independently upon the different items of taxation which the representatives of the Crown may submit to it for alteration, revision or imposition; and to do this apart from any consideration of confidence in the Government, who, although they are the representatives of the power of the Crown still in matters of taxation stand, after the proposal on the part of the Crown has once been made, simply in the position of Members of this Assembly, to which in this free country is delegated the high privilege, the great power and the duty of deciding what taxes shall be levied upon the people. Sir, I know that I may be met by the allegation that, owing to the fact that no tax can be imposed except it be submitted to this House in a preliminary Committee of the whole House, and that in that Committee we have sufficient opportunity to discuss separately the items of taxation which are brought before us by the representatives of the Crown, and that the Resolutions to which we come after such discussions in that Committee ought to satisfy the people of this country that we have paid due attention to their interests. But there is one fact which utterly disproves that allegation, and that fact is this: that so little are the decisions which are taken in the preliminary Committee regarded as final, conclusive, or satisfactory by those who framed the Orders of this House, that when it is primarily decided that any duty is to be lessened or diminished by a Resolution of the House, and this decision is communicated to the heads of the department, who are entrusted with the administration of the tax, upon the Resolution being reported a bond is taken from every importing merchant or other person dealing in the article so taxed, which, in case Parliament should not adhere to its first determination, binds those who avail themselves of the remission of duty to pay the difference on the final adjustment of the law. Now, I think that that one fact is sufficient to prove, that, according to the practice of the Constitution, the House of Commons ought not to be satisfied with a single opportunity of deciding what shall be the taxation for the year. Well, Sir, how stands the matter? According to the usual practice of the House for many years up to this year, the substance of this Bill—the proposals made on the part of the Crown in this Bill—would have been divided into three bills instead of being consolidated into one. And what is the difference which that makes in the treatment of these matters by the House. Why, that according to the form of this Supply Bill we have only one first reading, one second reading, one Committee, one consideration on Report, and one third reading of one Bill, whereas we ought to have three Bills, three first readings, three second readings, three Committees on the Bill, three considerations on Report—if there were any Amendment in Committee—and further, three opportunities for discussion on three third readings. Now, if these various opportunities for discussion and decision are to be held as useless; if any Member of the House is bold enough to assert that the forms of this House, which have been declared by the highest constitutional authorities to be the means by which we are chiefly able to guard the freedom of the subject, are no longer of any value, then he may consistently declare that the form of this Bill is what it ought to be, and that the more and the sooner we get rid of those useless forms the better. But where, I ask, is the bold man who will tell me that the forms of proceeding adopted by this House and by Parliament, as the necessary safeguards of the liberties of the people of this country, as the means by which we are able to bring our deliberations to such an issue as shall best secure their welfare; where, I ask, is the bold man who will tell me that these forms are useless, or that it is either right or safe practically to abolish so many of them in the manner now proposed? Sir, I believe that no person will be bold enough to make such an assertion; and I say this fearlessly, although I am aware that, upon this subject, I am opposed to the opinion which is entertained by my right hon. Friend the Member for the University of Cambridge. I lament that I differ from him, but I must say that it was with astonishment I learnt that the right hon. Gentleman who represents the University of Cambridge, and who stands high amongst the constitutional authorities of this House, was the author of two recommendations, neither of which were adopted by the Committee on Tax Bills over which he presided; one of these proposals recommended a departure from the form which our taxation has assumed owing to the burthen of the debt, and the constant and enlarged requirements of the public establishments, and would have suddenly rendered a great portion of our taxation annual, and therefore precarious. And, then, how did the right hon. Gentleman propose that we should consider the questions involved in the annual repeal or continuance of this vast mass of taxation? Why, by means of a Supply Bill, to be framed upon the model of the present; which would debar us enormously from the opportunities of free discussion, by limiting the time that we should have allotted to us for deliberation. By this system the Government of the day gain all the power that the

House lose by the curtailment of its opportunities not only for deliberation but for decision upon the questions involved in this consolidated financial scheme. I do not know whether the House is yet conscious of the enormous power which we are granting to the Crown by this Bill. It may seem a bold assertion, but it is the fact, and I beg the House to consider it, that you not only by this Bill abandon four stages at least upon which you might consider the propositions included in this Bill, but you render the decision that might be taken on the first reading, on the second reading, and on the third reading of the consolidated Bill, a decision not with respect to any one particular item of the taxation with which it deals, but a decision with respect to the confidence which the House may repose in the Government of the day. Clearly, Sir, that enables the Government of the day to appeal to every supporter, to appeal to the whole House for support, not merely upon the matters contained in the Bill, but upon the general issue; whether, not only in this respect, but in other respects the Government are worthy of the confidence of the House and the country. This form of Supply Bill goes far towards defeating the power of the House to deal practically and independently with the subject of taxation. That, Sir, is the fact. When the Bill has once been introduced we are limited to one single opportunity—if no Amendment is made in Committee on the Bill—the opportunity in Committee, of considering in detail subject matter which, according to the usual practice of this House up to the present year would have been divided into three Bills, instead of being included in one. Sir, I regard this as a most mischievous infringement upon the freedom and upon the power of this House. We may, indeed, be told, as we have been told already, that it will be for the convenience of trade, for the convenience of the interests affected, that the several financial proposals of the Government should be consolidated in one Bill. And how does the matter stand? Are all those interests the same? Are all to be affected alike by these different proposals, some for the imposition, some for reduction, and some for the repeal of taxes? Why, it is obvious that the interests affected, are affected, not only differently by the mode in which you propose to deal with the taxation to which they are subjected; but, being different in their circumstances, they require, some of them, for their convenience the immediate confirmation by law of the proposed changes. While with regard to others it is essential that there should be postponement until those concerned have had an opportunity of considering the matter and instructing their representatives what changes they conceive will be for their advantage; what form of imposition will be the least onerous, and what period will be the most convenient for the proposed changes to take effect. Why, only last year it was made sufficiently obvious upon the Stamp Duties Bill that, if you would consult the interests of trade by the manner in which you deal with taxation, you should treat every tax separately according to its merits and the effect which the change of it is likely to have upon the particular interests concerned; and I say that if you are to consider the interests of trade, as it has been the practice of the House of Commons to do, and as I hope it will continue to be the practice of the House, I say if you are to consult the interests of trade you will by sanctioning the proposal which I now submit to the House be enabled to consider severally, as we did last year, the various interests which are affected by the different matters of taxation included in this Bill, otherwise you can scarcely do so. Sir, I feel that as this question is not taken up by the leaders of the Opposition in this House, it is a question that ought to be raised by the independent Members on the other side of the House. I have been a Member of this House for some time, and in former years I have known no hon. Members so averse to any undue increase of the power of the Crown over taxation, no hon. Members so careful that taxation should be considered with due reference to the various interests affected thereby, as hon. Members, who hold advanced liberal opinions. But on the present occasion we know that there is one question involved in this Consolidation Bill which so entirely absorbs the attention of the leaders of that party, and that the reins of party organization on the other side of the House below the gangway have been drawn so tight, and that their new discipline is so severe, that, whatever their private opinions may be upon the merits of the grave question now at issue, we can scarcely hope for more than their silent votes, even if the subject attracts their notice sufficiently to induce them to vote at all. The authority and practice of Mr. Pitt have been adduced in support of consolidating the financial proposals of the Government in one Bill. The right hon. Baronet the Member for Carlisle has adverted to the precedents afforded by the great measure of 1787, and by the financial dispositions made under the Act of Union in the year 1800; and I admit that the financial arrangements of those years were so remarkable that they may well be cited as marking peculiar epochs in the financial history of this country. What were the circumstances of 1787? I have, Sir, by me here an account of the discussions which took place in that memorable debate given by Bishop Tomline in his *Life of Pitt;* and, with the permission of the House, I will read a short extract from it. It states that "Mr. Pitt further proposed that," instead of keeping separate and distinct funds as at present—(this was 1787)—

> "The produce of all taxation whatever should form one general fund, to be called the Consolidated Fund, out of which the public creditors of every description were to be paid, and the surplus of which was to be applicable, under the direction of Parliament, to the service of the current year."

Why, Sir, any one who refers to history will find that previous to that year the different taxes were held separately by a vast variety of independent functionaries; were collected separately, and were charged separately, with the debt of this country, under its then various denominations; that nothing could exceed the minute division and attendant confusion of that system, and that when Mr. Pitt undertook to introduce the great measure of that year, not only did he propose to deal with the whole taxation of the country, but he proposed to deal with the whole manner of appropriating the produce of the taxation, and in the same measure he included the provisions necessary, so far as the action of this House was concerned, for the ratification of a treaty with France. That was, indeed, a financial Resolution. It was a vast operation in finance; and its vastness may be proved by this one fact, that in order to carry into effect the proposals which he then made, Mr. Pitt was obliged to submit to the consideration of, and to carry through, this House not three Resolutions such as those upon which the present Bill is founded, but 3,000 Resolutions; and I put it to the common sense of the House whether it was practicable for any Minister to carry through Parliament in one Session 3,000 Bills. To cite that precedent, then, in justification of the form of the present Bill, is perfectly absurd. The action of the House at that time was by the universal consent of Mr. Burke, of Mr. Fox, of Mr. Sheridan; of the Opposition, and of the independent Members, that the House virtually suspended the standing orders in order to effect a vast financial revolution fraught with the most happy consequences, involving changes unparalleled in the financial history of the country. I repeat, that it is ridiculous to cite such a precedent as that for the action year by year of this House in dealing annually with the taxation of the country. Sir, every Chancellor of the Exchequer is not a Mr. Pitt; and, until we are secure of an annual succession of Mr. Pitts, I protest against our attempting annually to copy the form of procedure adopted on the occasion to which I have referred in order to effect that vast financial revolution; were the House annually to follow that precedent we should be inflicting upon the country the uncertainty which is entailed by the adoption of revolutionary principles in finance. Well, Sir, what is the other precedent afforded by the practice of Mr. Pitt, which the right hon. Gentleman has cited? The operation of 1787 included a treaty with a foreign Power; and so far as that goes I would observe that if the right hon. Gentleman the Chancellor of the Exchequer were really a disciple of Mr. Pitt, he ought last year, not this year, to have adopted the precedent of 1787. But, Sir, I was about to advert to the circumstances of the year 1800, and the Act of Union. That involved not only a financial but a political revolution. Are we annually to act upon the precedent afforded by the measures which were necessary to consolidate the Parliaments of two nations, which had, theretofore, governed independently two distinct nations combined in allegiance under one Sovereign? Are we to avoid our usual practice and adopt the system which was necessary in the year 1800 to consolidate the finances which had previously been under the control of two independent Parliaments? On the contrary, I hold that no precedent established by Mr. Pitt shows that he approved of any such invasion of the general custom of Parliament and of the Orders of the House of Commons as would be involved by our annually following as a precedent the exceptional action which he found necessary first in 1787, and again in 1800, I shall not go further into precedents. I will now address myself, humbly address myself, to the common sense and common knowledge of the House; for I believe that, in the financial history of this House and of this country, you may find a precedent for almost anything. At times this House has been fawningly subservient to the Crown. At times this House has restricted the action of the Crown through the financial operations which were always its peculiar privilege. At times this House has been obsequious to the House of Lords. At other times, finding that the power of the Crown was unduly combined with the power of the House of Lords to inflict an oppression through taxation upon the people of the country, as in the time of the Stuarts, this House has resisted the power of the House of Lords, but in resisting the power of the House of Lords it duly limited the power of the Crown in matters of taxation which by the present Bill you are vastly extending to the prejudice, I say, not only of the privileges of this House but to the prejudice of the freedom of the people. It is common to say, and common to think, that because the power of the Crown is exercised by Ministers in this House that, therefore, the powers of the Crown and the powers of the House of Commons are identical. Sir, that is not the fact. Although the power of the Crown in matters of taxation has been separated almost entirely from the personal will of the Sovereign, the power of the Crown is still very great and totally distinct from the powers of this House. No taxation can be originated except it be suggested by the representatives of the Crown. No tax can become law but by the assent of the Crown. Therefore, at the beginning and at the end of each financial operation, the power of the Crown comes in. True, the Ministers who exercise this power now sit in this House. But are they only financial Ministers? Are they not invested with vast and increasing patronage which day by day by an increase corresponding to the increase of the public expenditure is extending its ramifications, not amongst the aristocracy, as has been held by the hon. Member for Birmingham, but into the middle classes, reaching the administration of our local affairs, controlling the free system of self-government which has been our boast, and year by year encroaching upon the liberties which our forefathers won, and which we have inherited. And, are we, the representatives of the people of England, in these days of struggle for constitutional freedom against despotism, which is raging throughout the world, when the cause of constitutional freedom is further imperilled by the present disturbances in America—are we about to make over to the representatives of the Crown each year a share of power over the taxation of the people, which no House of Commons has ever habitually entrusted to the representatives of the Crown, whether they sat within these walls or elsewhere? That, Sir, is what we are asked to do by this Bill; and, it is my strong feeling that not only is it wrong to do this now, but that we are likely to establish a precedent which may be used hereafter to control this House, to damage and to lessen the freedom of the people, and to impair our power of resistance against aggression, to an extent which I am happy to say, has not for centuries been suffered by the free people of this country. Hon. Members opposite may hope that, on the present occasion, having what they deem to be a popular, but a very minor object to accomplish, they will be able to cloak before the face of the public the true nature of the action they are now taking. But, I warn them that it ill becomes the advanced liberal party of this country to invest the Crown, not the Ministers of the day only, but by establishing this precedent, the Ministers of the Crown, whoever they may be hereafter, with a control over the taxation of the country, which it is the especial function of this House to guard and to regulate. I confidently assert, taking all the circumstances into consideration, that there is no precedent in the annals of this House for the last century and a half, which can fairly be adduced to justify the course we are now invited to adopt. It is because I entertain this feeling strongly, and because I feel that the exceptional practice of Mr. Pitt has been cited without due warrant and without just application, that I as a very humble but independent Member of this House venture to suggest, not in a party sense, for I am afraid that party organization on this side of the House will be used against me, that this is a matter on which the House should not lightly give its decision, at all events, not without some assurance and security that the form of the Supply Bill, which we are now asked to consider, shall not be held the type of future Supply Bills, and that we shall not hereafter be asked to grant to the representatives of the Crown a power which the House of Commons has never habitually conceded. The circumstances of the present day upon the Continent of Europe are such, as I should think must direct the attention of the House to this subject. Austria has opened her Parliament, and of what does Hungary complain? She says, "You have given us a Parliament, but you have not given the representatives of our nation power over taxation;" and nothing can be abler than the mode in which that fact, and the consequences, to be apprehended from it, have been brought before the Hungarian Parliament in the statesmanlike speech of M. Deäk. Then, what is the history of Poland? That was formerly an elective monarchy, to the action, and to the failings, and to the dangers of which form of government you are assimilating the Constitution of this country. Vast patronage, and great power were collected in the hands of the Sovereign of Poland who was elected. What has been the history? what the real cause of the loss of freedom by Poland? Why, that organized agitation stimulated faction, stimulated a struggle between the various elements of the State, each striving to obtain the ascendancy. It was not originally foreign invasion, but these internal struggles which invited foreign intervention and thus eventually proved fatal to the freedom and independence of Poland. Again, what is the history of Venice? In the hands of the Doge, an elective Sovereign, was reposed vast power. What did that lead to? To perpetual struggles of faction for possession of the supreme power of the State until at last the liberties of Venice were virtually lost. And what do we see this very day in the United States of America? We have seen a gradual increase of power by patronage collected into the hands of the President. And what is the condition of the United States? Why it is avowed that corruption has spread widely throughout the Republic; and that the removal from office of vast bodies of officials at the sole will of the changing — the ever-changing executive power has shaken its institutions, until at last we see them unable to control the several parties, the differing elements of the State, until we see a division and a separation of the great republic. If you adopt this system, and in addition to the increased patronage which has been allotted to the Crown you impart to it

increased power over taxation also; you will give a stimulus to the struggles of party, an incitement to ambitious men to grasp this power, and an inducement to subordinates to assist them in their object, that will drive to utter insanity the party struggles of this House, and centre them upon—what? Why, upon questions of finance. Are we, then, to countenance a system of annual financial revolution? Are we to enter upon a vast and an unlimited game of "Beggar my neighbour?" Are we to merge all considerations in the choice of Ministers in this one point. Who is to be trusted; who is to be feared in matters affecting the private property of individuals; what Chancellor of the Exchequer will be least dangerous in the administration of this vast power which we shall have granted to him, as the representative of the Crown, over the taxation of the country and the interests thereby affected? Sir, it appears to me that, if we have had reason to lament the exacerbation of party struggles hitherto; if we have had reason to lament the short duration of Ministries, by this system we are incurring the danger of still further exacerbation of party struggle, and are entailing upon this country the probability of still more frequent changes of Government; I do hope that the House will consider it unbecoming for the reasons I have ventured to state, thus to abandon, in favour of the representatives of the Crown, an amount of power over the taxation of this country, which has never hitherto been habitually conceded by Parliament. Sir, I am unwilling longer to detain the House. Nothing but a strong sense of duty would have induced me to bring this question under its notice. What I ask the House to do is this, not to imperil its own dignity, not to limit its own freedom, not to abandon its peculiar duties by sanctioning this form of Supply Bill for an object, which I hold to be totally inconsistent with the dignity of this House. For that object is simply this, by an unworthy stratagem, to cripple the House of Lords in the exercise of a function and a privilege—their exercise of which, their right to which, and their occasional use of which, we only last Session sanctioned by the solemn resolutions of this House. Now, I have no right, and I have no wish to become the feeble advocate of the House of Lords. They have their privileges, and I think they will show this House that they can guard them; for if this House should resort to stratagem in order to oust them of their rights, they have means by the use of which, whilst avoiding the extreme issue, that you wish to thrust upon them, they will be able effectually to guard the freedom, which is as dear to them as is the freedom of this House to ourselves. The object of this statagem, of the measure now before us, is to compel the House of Lords, who cannot alter but may reject, to accept the Bill, knowing that it might be dangerous for them to reject the whole of the financial propositions of the year; and by this stratagem it is hoped that the free exercise of the judgment of the House of Lords upon one item of taxation, will be so crippled and so cramped that they may, not out of consideration for, or from good will towards this House, but on compulsion, slip through a financial change, of which it is possible they may disapprove. I ask whether the circumstances of the present time, whether the position of the House of Lords, whether anything in the conduct of the House of Lords can justify our attacking them, not openly by passing a Bill for the repeal of the paper duty, as a separate measure, and telling them that that is the will of the House of Commons, but by such an unworthy stratagem? Is there, I say, anything in their conduct which can justify such a proceeding? By Resolutions of this House we have, I maintain, sanctioned the action of the House of Lords last year in rejecting the Bill for the repeal of the paper duty. And we know another thing. We know that their decision was thoroughly in accordance with public opinion. And in this House we know yet another thing. We know that it was in accordance with the opinion of the majority of the independent Members, who voted on the third reading of that Bill; for the majority which carried that Bill to the House of Lords was only nine, and we know that the Government can command forty votes in this House. I contend, therefore, that it is a misrepresentation to say that the House of Lords rejected a Money Bill which was passed by the independent majority of this House. The truth is this: the House of Lords differed from the Financial Minister of the day upon the propriety of abandoning about a million of taxation when there was a deficiency. And, Sir, I believe that if the Members of this House could even now be polled by their consciences, it would be found that the vast majority of them rejoiced to see the House of Lords extend a safeguard over the credit of this country, which the independent Members of this House had been overborne in seeking to extend over it by the power of the Government on the last division of this House with respect to the paper duty. That, Sir, is my firm belief; and I, for one, would humbly beseech the House to retain its power; at all events to assert its rights, and not to suffer itself to be crippled by this form of Supply Bill; but to assert, I hope, finally, that it will not be betrayed into attacking the House of Lords by an unworthy stratagem, when we have no reason to believe, but, on the contrary, have every reason not to believe, that the House of Lords would, in defiance of our decision, summarily reject a Bill for the repeal of the paper duty, if that Bill passed through this House in accordance with our usual and long-tried practice, and were thus formally submitted for their free and independent judgment. I beg to move—

> "That it be an instruction to the Committee to divide the Customs and Inland Revenue Bill, so that each of the taxes to which it relates may be separately treated."

MR. SPOONER seconded the Motion.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I think that the few moments of silence which have passed since the hon. Member (Mr. Newdegate) sat down may fairly be construed as an indication that the House conceives that this subject had already been thoroughly discussed. Not, indeed, from any disrespect to the hon. Gentleman—for the manner in which he has stated his argument is worthy of all attention—but simply from the respect which I am bound to pay to the time and convenience of the House, I do not propose to repeat in any extended statement the considerations that have been laid before the House on prior occasions, in which the importance of the subject justified our entering upon it to almost any degree. Sir, I do not think that the hon. Member has succeeded—nor did I think that any one could have succeeded—in presenting what is at once new and material, in the view of this question, from the point at which he himself regards it. However, I observe that he has treated it in a great degree with reference to the injury which he thinks the present form of proceeding is likely to inflict upon the powers of this House in the discussion of a financial measure. Well, Sir, I admit that we have not heard so much said upon that aspect of the case in former debates as upon its other aspects; but I must say that I think the reason why we have not had so much said of it is, that that department of the question is, in the sense in which the hon. Member regards it, entirely hopeless and incapable of yielding any useful result. When the Government introduces its financial measures in separate Bills, it has the power of separating them by any interval of time whatever. It may ask the House to dispose of one Bill before it gives the House the opportunity of passing any vote upon another. Surely the hon. Member will not maintain that that arrangement is favourable to the power and freedom of this House. Well, Sir, in introducing the measure now before the House, one of the points on which we relied was this—that experimentally and practically, in the course of the debates of last year, Gentlemen opposite found themselves, I may say, compelled, by considerations of practical convenience, to combine together in one Motion what were not comprised at that period in one Bill—namely, the two rival propositions, as they then were, with respect to the paper duty and the income tax. And surely there cannot be a clearer practical proof of the convenience to the House in the combination of these proposals in one Bill than the fact that when they were not combined in one Bill it was only found necessary, by a proceeding which was, perhaps, somewhat irregular in strict Parliamentary usage, though it was commended by good sense and convenience, to present them in combination to the notice and discussion of this House? The hon. Member says that the House has but one opportunity, in consequence of this mode of proceeding, of considering these several questions. Sir, I never heard a statement that appeared to me to be more erroneous. The House has in the first place an opportunity of considering—

MR. NEWDEGATE rose for the purpose apparently of explaining; but the Chancellor of the Exchequer proceeding with his address without giving way; and Mr. NEWDEGATE nevertheless attempting to gain a hearing, and cries of "Order" arising—

MR. SPEAKER said, that it was the rule of the debate that the Member addressing the House was in possession of the House, and need not give way unless it was his pleasure to do so. Any hon. Member desiring to make an explanation would be allowed the opportunity of doing so after the Member who was speaking had resumed his seat.

THE CHANCELLOR OF THE EXCHEQUER: If I had been stating anything that was in the slightest degree a matter of feeling or reproach to the hon. Member, I would willingly have given way; but I was pointing out how entirely erroneous his statement was, and what are the opportunities, according to the present form of debate, that are enjoyed by the House of considering the financial measures of the Government. The first effect of our proceedings is, that, whereas, in the ordinary course of things, we should have had no preliminary Committee whatever on the Paper Duties Bill—and the Motion for leave to introduce the Bill would only have given the House the limited opportunities of speaking which are accorded when the House sits as a House—we had the opportunity of discussing in Committee the Resolution for the repeal of the paper duties. The next opportunity of discussing the whole of these subjects separately and individually was upon the Report of the Resolutions, when again each of them was separately and distinctly brought before the House. The first reading of the Bill I will not mention, because that is the stage when, with the fewest exceptions, no Motion is made. We then come to the second reading; and I believe that by the practice of the House in recent years it would have been perfectly competent to any Gentleman on the second reading of the Bill—if he objected to the measure as a whole—to have opposed it as a whole, or to have opposed such a particular feature of the Bill as he might have thought open to reprehension. Then we come to the Committee on the Bill; and there is another occasion in which the fullest and largest liberty is afforded to any one of discussing every proposition separately. We then have the Report from the Committee when, likewise, a similar opportunity, as far as it can be enjoyed by the House, is enjoyed of dealing separately with each portion of the Bill. And if the hon. Member thinks that these five stages are insufficient for the discussion five times over of any point contained in the Bill, it is then open to him, consistently with the forms of the House, to move the recommitment of the Bill, for the purpose of satisfying what still remains unsatisfied of his appetite for discussion; and that Motion for the re-commitment of the Bill may, I believe, be repeated and accepted by the House as often as Members may deem fit. So then, I think, the hon. Gentleman, if I gather his argument aright, has entirely failed in showing that there is any abridgment of the real privileges and powers of the House in the form of proceeding that the Government has adopted. I affirm with confidence, on the other hand, that there is a great extension of that power and liberty of discussion; because, in fact, the repeal of the duty is presented to them in the form of preliminary Resolutions, and in immediate connection with all those other propositions to which, upon this occasion, it has a natural relation. The hon. Gentleman says, indeed, "There was the case of Mr. Pitt. Mr. Pitt combined various matters in one Bill, but then that was a different affair, for he had three thousand Resolutions instead of three." The hon. Member places himself in this predicament, that he objects to our joining together three Resolutions in a Bill; but if we brought forward three thousand Resolutions then he would have no objection. Then, he contends, we should be completely sheltered by the example of Mr. Pitt, to whom, however, he to-night accorded the very questionable praise that he proposed a measure of revolutionary finance. The hon. Gentleman has referred also to the aspect of this measure as a defence of the privileges of this House, and as a vindication of the sole and exclusive right of the House to deal with matters of Supply, and to adjust the revenue and charges of the year. I do not know on what account the hon. Gentleman calls this an "unworthy stratagem." It is a proceeding perfectly consistent with precedent, and a proceeding entirely conformable to the principles of the Constitution as they bear upon the powers of this House—it is a proceeding with regard to which there has been no suppression or concealment practised. We have desired to do that which should indicate the joint purpose with which the proposal was made, and at the same time we have desired to avoid doing that which would give an offensive aspect to the proposal. If that proposal be made to carry an offensive aspect, I must say it appears to me it is a great deal more owing to the hon. Member and to others who have treated it as a measure aimed at the privileges of the House of Lords than to anything said or done by the Government. The hon. Member has again fallen into an error which I hoped would have been avoided after the discussions we have had. He said that the House of Lords may not alter a Money Bill, but may reject it. I should like to know where it is that the hon. Member has learned that the House of Lords are possessed of a power of rejecting in any sense in which they are not possessed of a power of alteration. No doubt you may quote the *dicta* of important persons in the House of Lords; but the *dictum* of a Member of the House of Lords does not bind the House of Lords; and by no proceeding has that House ever surrendered, as far as I know, the right of altering a Bill, even though it touch a matter of finance. If I might say for my own part, though anxious to vindicate the privileges of this House against the House of Lords where need may arise, yet I think that the House of Lords is right and wise in avoiding any formal surrender of the power even of amendment in cases where it might think it justifiable even to amend a Bill relating to finance. The privileges of the two Houses of Parliament, from their nature, are best maintained by the good sense and wisdom of the two Houses in putting them into action from time to time, and I do not think that any advantage would be gained by a surrender which, at any rate, the hon. Member is entirely in error in supposing has been made. I shall not enter further into a discussion of this proposal, except to observe that nothing could be more inconsistent—indeed I might say ludicrous—than the adoption of the Motion the hon. Member has proposed, in order to prevent what he calls—in a phrase which I should like to challenge were I before the Civil Service Commission instead of in the House of Commons—"the embodiment of the principal financial proposals of the Government in one Bill." The effect of this proposal would be that we should have five Bills at least —perhaps a good many more—one for the income tax, one for tea, one for sugar, one for chicory, and one for paper. In point of fact, the hon. Member would lead us to a mode of proceeding which is as entirely without precedent in the financial proceedings of the House, as it is, I think, without foundation in reason, or in the convenience of the House, or in the principles of the Constitution and the practice of Parliament.

MR. SPOONER said, he thought his right hon. Friend—if he would permit him to call him so—was mistaken in the manner in which he accounted for the momentary silence which followed the speech of his hon. Colleague. At the conclusion of that address the House naturally remained silent, expecting that the right hon. Gentleman would get up to answer a speech which it fell peculiarly to him to answer. But no real answer had, as he believed, been given to it by the right hon. Gentleman. It was true as the right hon. Gentleman said that the House of Lords had the power of altering a money Bill. That was so no doubt; but at the same time they all knew that the House of Commons always rejected money Bills which had been so altered; and the limitation of the powers of the House of Lords in that case was as effective as if it had been laid down in express words. He would not upon that occasion enter into a consideration of the general question at issue. He only rose for the purpose of calling the attention of the House to one very peculiar circumstance in the course which had been adopted by the Government. Could the right hon. Gentleman cite any case in which a Supply Bill, thrown out by the House of Lords in one Session, had been brought in during the following Session, not by itself, but coupled with another most important measure, which would prevent the Lords from fully and freely exercising one of their undoubted privileges? The proposal to repeal the paper duty was at present accompanied by another most important measure; and under those circumstances, much as the House of Lords might object to that proposal, they might feel it inexpedient to insist on its rejection. He believed that the right hon. Gentleman would have acted far better if he had followed the precedent of last year, and sent up to the House of Lords the same Bill which had been sent up to them upon that occasion. That was the view which he took of the question which had been raised by the Motion of his hon. Colleague; and he earnestly hoped that the House would not be misled by the stratagem of the right hon. Gentleman the Chancellor of the Exchequer, but would insist that the proposal for the repeal of the paper duty should be left to be decided by the House of Lords upon its own special merits. It could not be said hereafter that the measure, as it stood, had been passed "with the consent of the House of Lords," for it might fairly be supposed that it had received the sanction of that House solely in consequence of the disinclination of its Members to throw into a state of confusion the finances of the country. No doubt, the House of Commons had the sole right to originate taxes; but when a tax was once imposed its maintenance or remission affected the credit of the country, of which the House of Lords was bound to take care as much as was the House of Commons. For these reasons he should support the Motion of his hon. Colleague.

MR. HORSMAN regretted that he found himself compelled to vote against the Motion of his hon. Friend opposite (Mr. Newdegate), because there was much in his speech and still more in the meaning of his Motion as a condemnation of the form in which this Bill was presented to the House with which he agreed. But he must say that he concurred with the Chancellor of the Exchequer, that after the discussions which had taken place upon this subject this Motion was inconvenient in form, and would affirm a principle which was most inaccurate. If the hon. Gentleman desired to take any issue upon this subject he ought to have taken it upon the Motion of the hon. and learned Member for Sligo (Mr. Macdonogh). Upon that Motion there were two nights' discussions without a division; and it was too late now to raise this technical difficulty. When he saw the Amendment upon the paper he thought that it would occasion much embarrassment to many Members who agreed with the hon. Member for Warwickshire, and that embarrassment would be increased by the change which had since been made in its terms. It was always inconvenient to raise a question by an abstract Resolution; but they were now to vote upon the last two lines of the Motion only. But they could not separate those lines from the preamble which had been withdrawn. Although they were merely to say that it should be an Instruction to the Committee to divide the Bill, they could not separate that Instruction from the reasons which had been given for its adoption. Those reasons affirmed a much larger principle than the House was at that moment ready to entertain. He himself objected to the form of this Bill, because it was an undeserved rebuke to the proceedings of the House of Lords last year; because it was a "tack" to a Bill of this year of one which had been rejected by the other House last Session, and because it combined two Bills which, although they both came under the general description of Money Bills, were, in reality, measures of totally opposite characters. The Amendment passed by all these objections, and, as originally drawn, asked the House to make a declaration which would have been applicable to all future years, even though no circumstances such as those of last year existed to render it desirable that it should be acted upon. If the Chancellor of the Exchequer had proposed to declare by the preamble of his Bill that it was desirable that in all future years all financial proposals should be included in a single Bill, many of those who would support the Bill would have objected to such a declaration; and he thought that it would be equally unwise to declare that in future years it was inexpedient that all measures of finance should be included in one Bill. They all agreed that the relations of the two Houses of Parliament with each other, and their rights and privileges, could not be defined by any strict rule of law, but must be left to the discretion of the Houses. All questions as to disputed rights and privileges had hitherto been settled by compromises. His objection to the Amendment was that it would afford a fallacious indication of the opinion of the House, as many who agreed with the view entertained by the hon. Member would be unable to vote for his Amendment. As the subject had already been so largely debated, it would not only be more convenient to the House, but would, he thought, tend more directly to attain the object which the hon. Member had in view, if he refrained from passing his Amendment.

MR. NEWDEGATE, in explanation, said, the complaint which he made was not, as stated by the right hon. Gentleman the Chancellor of the Exchequer that there had not been sufficient opportunities of discussion, but that there had not been sufficient opportunities of dealing with the several heads of taxation included in this Bill. The object not only of his speech but of his Amendment was that this House should retain the power, not of discussing only, but of voting on the several parts of the financial scheme of the Government, which this proceeding practically abrogated. Had the right hon. Gentleman the Member for Stroud (Mr. Horsman) been present at the commencement of his observations, he would have known that he absolutely withdrew the abstract proposals contained in his Amendment, and that he invited the House to retain the power of dealing with the financial proposals of the Government in the same manner in which they were treated last year.

MR. KNIGHTLEY said, he wished to state the reasons why he could not vote for the Motion of his hon. Friend the Member for North Warwickshire. For the reasons stated by the hon. Member for Stroud, he did not think it expedient at the present moment to bring forward any Motion. He thought that if his hon. Friend wished to raise a discussion on the particular merits of the proposal for the repeal of the paper duty he ought to allow the Bill to go into Committee, when he could have brought forward a Motion directed to that particular subject; and if his hon. Friend did not approve the form in which the Bill came out of Committee, he could have moved its recommitment. In the main principle embodied in the Motion, however, he thoroughly agreed, and the junior Member for North Warwickshire—if he might employ the term—had taken the strong ground of argument when he said that in the whole course of Parliamentary history there had been no precedent for a measure rejected by the House of Lords in one year being reintroduced in a Bill of Supply in another year. This was an important fact, and at the proper moment he should give his vote against the object contemplated by the Government, which was unquestionably to insult the House of Lords, and to coerce them to pass a measure which, if considered solely on its own merits, they would not have acceded to. The fact that the House of Lords had three courses open to them must be very gratifying to the Chancellor of the Exchequer. They might reject the entire Budget; they might divide—as he presumed they would do—the Budget into three Bills; or they might pass it in its entirety. But, unfortunately, to all these courses there were grave and weighty objections. By rejecting the Budget the finances of the country would be placed in a state of hopeless and inextricable confusion; if they threw back in the face of the House of Commons what he could not help thinking a most unnecessary and uncalled-for insult to the Upper House, a misunderstanding between the branches of the Legislature would probably be occasioned; while if they admitted the principle that the House of Commons had a right to send up in a single measure any number of Money Bills, however dissimilar in character and tendency, from that moment their duty would be simply to register the Acts of the House of Commons, and their functions as an independent branch of the Legislature would cease. If this were not a case of "tacking," he confessed he was at a loss to understand the proper meaning of the word. As in the course of the debate on the second reading the fifth volume of *Macaulay's History* had been freely used, he would take occasion to quote one short passage having reference to the year 1698. A Bill was introduced for conferring a charter on the East India Company; there were various grave objections to the measure, and it was certain that, considered on its own merits, the House of Lords never would have sanctioned the proposal. But Montague, the leader of the House of Commons, adopted the same course which had been taken in the present Session with the precious production of the Chancellor of the Exchequer, and he amalgamated the Bill with a complicated financial proposal for raising a loan of £2,000,000. It was sent up in that shape to the House of Lords, and Lord Macaulay—no hostile critic of the Whig party, and no inconsiderable authority on constitutional questions—had thus stigmatized the course which was adopted—

> "Some Peers declared that, in their opinion, the subject of the proposed loan, far from amounting to the two millions which the Chancellor of the Exchequer expected, would fall far short of one million. Others, with much reason, complained that a loan of such great importance should have been sent up to them in such a shape that they must either take the whole or throw out the whole. The privilege of the Commons with respect to Money Bills had been of late grossly abused. The Bank was created by one Money Bill; this general society was to be created by another Money Bill. The Lords could not amend; they might, indeed, reject it; but to reject it was to shake the the foundations of public credit and to leave the kingdom defenceless. Thus, one branch of the Legislature was systematically put under duress by another, and seemed likely to be reduced to utter insignificance. It was better that the Government should be at once pinched for money than the House of Peers cease to be part of the constitution."

That was the language in which Lord Macaulay spoke of a policy which was substantially the same as that which Her Majesty's Government were adopting. He believed, however, that the Motion of his hon. Friend the Member for North Warwickshire was inexpedient in point of time; and he hoped his hon. Friend would not press it to a division.

Mr. Knightley

Motion made, and Question put,

"That it be an Instruction to the Committee, that they have power to divide the Bill so that each of the Taxes to which it relates may be separately treated."

The House *divided*:—Ayes 34; Noes 195: Majority 161.

House in Committee.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Providing that the provisions of the former Act should apply),

SIR WILLIAM JOLLIFFE said, it was not his intention to propose any alteration in this clause on the present occasion; but on a future stage of the Bill, if no more qualified Member should think fit to do so, he should call attention to the inconvenience caused to those charged with income tax by the Excise regulations under which it had been collected within the last twelve months. During that period it had been got in under a different system, both as regarded the mode and the times of collection, to that which had been before adopted. The new system of collection, by which the tax was collected quarterly instead of half yearly, had rendered the impost itself still more objectionable, and he hoped to be able to show the House on a future stage of the Bill that they ought not to consent to a reimposition of the tax without they received a pledge that the new plan of collection would not be persevered in.

THE CHANCELLOR OF THE EXCHEQUER said, that he heard with great regret of the course that the right hon. Gentleman proposed to take, which appeared to him to be one of considerable irregularity and of very great inconvenience. He could hardly suppose that the right hon. Gentleman was serious in what he said. If he understood the right hon. Gentleman rightly, he proposed to object to the system of quarterly collection, and to revert to a state of things which would only permit them to obtain, during the year, one half instead of three quarters of the 9*d.* income tax which they were now exacting. That would raise a question of £2,500,000 of revenue for the purposes of the present year. He did not know in what way the right hon. Gentleman would propose that they should part with a sum of money out of the surplus of £400,000 which they proposed to keep in hand. He thought the right hon. Gentleman would do much better if he would state his case now when in Committee on the Bill, for this was exactly the time to raise that question. There was at present a Select Committee of the House sitting on the subject, which met under a reference which would enable it to enter into the whole of the question with regard to the principle of quarterly collection. It was a very important question, and one extremely fit for the cognizance not only of the House itself, but still more of a Committee, which would have the power of hearing the parties, and learning from the mouths of the parties themselves whether it would be more for their convenience to pay half yearly or quarterly. The right hon. Gentleman should understand that that was the question as it at present stood. The question of the transition last year from half yearly to quarterly payments involved, in point of fact, the raising within the year of a large amount of money which would not otherwise have been raised within the year at all; so that for last year it was very nearly equivalent to a considerable addition to the tax upon the last part of the year. The first quarterly tax levied last year was 2½*d.* in the pound. A 10*d.* income tax, if only collected half yearly, would have given them 5*d.*, but by taking the quarterly collection they got 7½*d.* more. The inconvenience of that transition, the main feature of which was that it brought a great deal of taxation to be exigible within the particular current year, had now been altogether surmounted; and the question now remaining was not one of bringing any additional tax within the current year, but of surrendering a portion of the taxation which the country expected to pay. What the House now understood was, that it was granting an income tax of 9*d.*, the payments to be quarterly. The effect of that would be, that they should have three quarters at 9*d.* in the pound, together with the single quarter, now in the course of collection, at 10*d.* in the pound. What now remained, therefore, was a very important practical question of administration. The right hon. Gentleman (Sir William Jolliffe) was entirely mistaken when he said that this was a matter of Excise regulation. On the contrary, it was the law of the land; and the Excise authorities had no power to raise money except it as was directed by the law of the land. It was the law of the land before last year, but in order that there might be no mistake about the matter, an enactment was then made by which the duty was imposed upon the collectors of accounting for their collections quarterly. If the hon. Gentleman entered into the question at the present time, he (the Chancellor of the Exchequer) should have to point out the many advantages which attended the system of quarterly collection, and how much more effective and manageable it made the tax; and it would be the duty of those who held that the system was inconvenient to point out in what manner it was inconvenient. It had been said that the determination to collect the tax quarterly instead of half yearly was an aggravation of the impost. But he was bound to say that it was the opinion of those charged with the collection of the tax that it was more agreeable to the taxpayer to pay certain fixed amounts at four times than in two sums. He really thought this was the time when the question might be most conveniently discussed.

Sir WILLIAM JOLLIFFE did not think he was mistaken. He believed the collection of the income tax quarterly was an Excise regulation. When the time came he should be able to show that a great injustice had been done by the newly adopted method of collection.

Mr. CONINGHAM begged to call the attention of the Chancellor of the Exchequer to the fact that by past legislation on this subject railway companies had suffered very considerable inconvenience. They had been selected from all other companies to collect the income tax from their servants who were in receipt of weekly wages. If the law was applied to the rest of the community the railway companies would not have any cause of complaint; but they were singled out to perform this obnoxious duty.

The CHANCELLOR of the EXCHEQUER thought the hon. Gentleman was not quite correct in stating that the railway companies were singled out to collect the income tax on the salaries of their servants.

Mr. CONINGHAM: On the weekly wages of their servants.

The CHANCELLOR of the EXCHEQUER said, that weekly wages did not enter very largely into the case of any companies except railway companies. He might state that no complaint had been made to him on the subject by the railway companies. It was right, however, that the operation of an enactment of such a nature should be inquired into.

Mr. CONINGHAM could assure the Chancellor of the Exchequer that the railway companies did feel the subject he had mentioned as a grievance. The secretary of the railway company with which he (Mr. Coningham) was connected had been in communication with other companies on the subject. At present if a skilled workman was in the employment of a railway company at wages over £100 a year, the company was called on to pay his income tax, while he might pass over the wall to private employ, and escape the payment of the tax so long as he remained there.

SIR STAFFORD NORTHCOTE asked whether, in respect of the income tax under this Act, the assessment would be made as last year—on the returns of 1859, and not on an average of three years as previously?

THE CHANCELLOR OF THE EXCHEQUER said, he was not aware that such a course had been pursued. He had not had the subject brought before him. Perhaps his hon. Friend referred to Schedule D. [Sir STAFFORD NORTHCOTE: Yes!] As regarded the arrangements for the present year, there will be an assessment altogether new. It will be taken on the average of three years to April, 1861.

MR. J. L. RICARDO understood the Chancellor of the Exchequer to say that he thought the system of causing railway companies to collect income tax from their servants worthy of reconsideration. If the right hon. Gentleman agreed to do so, it would give great satisfaction to a very important interest in the country.

MR. BRISCOE said, that people whose income was only £100 a year suffered great inconvenience by having to appeal against being charged the full amount of the tax as if their income was £150 a year. He knew a case in which a railway stationmaster, whose income was only £100, and which was a matter about which no difficulty should have arisen, had to appeal against being charged 10*d.* in the pound. Taxpayers in such cases ought not to be put to the trouble and expense of going to Somerset House to make their appeals.

THE CHANCELLOR OF THE EXCHEQUER said, that in the course of this conversation questions had been mixed up together which were entirely distinct in their character. One question was, whether it was expedient that the tax payable by servants of railway companies should be paid by the railway companies out of salaries. Another question was, whether those having an income between £100 and £150 should have the reduction made in the first instance, or whether they should be left to apply for a partial remission afterwards? A third question, raised by the hon. Member for Stoke (Mr. Ricardo) was, whether the servants of railway companies of a certain class, receiving weekly wages to the amount of more than £100 a year, would be liable to the tax.

MR. J. L. RICARDO said, the Chancellor of the Exchequer had misunderstood his statement. He had said it would be unfair that railway companies should be compelled to pay the tax for their servants.

THE CHANCELLOR OF THE EXCHEQUER said, the Government had not heard complaints on this head from the representatives of any of the railway companies; but if they had it would have been his duty to have considered the claims arising out of any exceptional case. With regard to the observations of the hon. Member for Surrey (Mr. Briscoe), he might state that the plan adopted was to assess a person liable to income tax at the higher rate, and it then rested with him to prove that his income was less than £150. Whether in such a case the assessment ought to be made at the higher or lower rate was a matter of convenience and of administrative detail upon which he did not entertain a very confident opinion. He might, however, point out that, although it seemed the most convenient course to assess a railway clerk in the receipt of £120 at the lower rate, yet, that he might have an income from other sources that would bring his salary up to £150. All that was required by the Revenue Board was reasonable evidence of the amount of tax payable; and it was the practice of the Department, he believed, when the exemption was once proved to assume that the person ought to be assessed at the lower rate, which was very liberal, and was, no doubt, occasionally a source of loss to the Revenue.

MR. THOMSON HANKEY thought that the mode of assessment of Schedule D required alteration and reconstruction in the interest of the Revenue.

THE CHANCELLOR OF THE EXCHEQUER said, it might be correct that the privilege of falling back on the assessment of the previous three years enjoyed under Schedule D operated sometimes injuriously on the Revenue. He was not prepared, however, to disturb the general basis on which this schedule was assessed.

Mr. HENLEY inquired whether it was intended to have a new assessment return under Schedules A and B?

The CHANCELLOR of the EXCHEQUER said, that there would be a new assessment altogether.

Mr. HENLEY inquired when the first payment under the new assessment would be made?

The CHANCELLOR of the EXCHEQUER said, that with respect to the practical question when the new tax would be collected, that would depend very much when the Bill got through that Committee and would receive the Royal Assent; but as regarded the legal liability, that did not depend in any way upon the new assessment.

Mr. HENLEY said, that what he wanted to know was this. They were now late in the month of May, and if he understood the matter, under this new-fashioned mode of taxing income, a quarter of this new tax would have to be paid somewhere about midsummer. When did the right hon. Gentleman expect to get the first payment under the new assessment? The way in which the payments of this tax had chopped about within the last eighteen months had made this tax more unpopular than ever. He looked with a great deal of anxiety for some assurance from the Government that a proper time would be allowed for making the assessment, and that people would not be hurried in making their returns.

The CHANCELLOR of the EXCHEQUER said, that the Government had no power of unduly hurrying the persons liable to the tax. They who had charge of the collection were not servants of the Government. The notices given by those officers were quite as much dictated by their own judgment and that of their superiors as by the Government. The Government had no power of giving notice to taxpayers to prepare for payment. It was the duty of Government to make all the preparations that they could before the law was passed; but they had no power after it was once passed.

Mr. HENLEY said, all he wanted was that there should be no undue pressure upon persons in making the Returns. He feared that for the present quarter a great deal of undue pressure would be put on by the Inland Revenue Office.

The CHANCELLOR of the EXCHEQUER could not say what the right hon. Gentleman meant by undue pressure. The persons who were to judge were the Board of Inland Revenue; it was their business to levy the tax. But he (the Chancellor of the Exchequer) would undertake to say, on behalf of those gentlemen, that they would not require the work to be done in a shorter time than that in which it could be reasonably expected to be performed.

Clause *agreed to.*

Clause 3 was also *agreed to.*

Clause 4 (Enacting the repeal, from the 1st of October, of the Excise Duties, Allowances, and Drawbacks on Paper),

Mr. KER SEYMER said, that many hon. Members had enjoyed the opportunity during the last few days of seeing their constituents, and he held that these were occasions of which hon. Members ought to be glad to avail themselves. He was one of those who had lately had such an occasion presented to him, and not only had he found among his constituents a greater amount of opposition to this clause than he had anticipated, but he had found that feeling existing among gentlemen who professed Liberal opinions, as well as among those who were his own political supporters. Just as last year, in "another place," many noble Lords of Liberal opinions swelled the majority against the Paper Duty Repeal Bill, so many Liberal gentlemen throughout the country had a strong feeling of opposition to the adoption of this clause. He had that day presented a petition from Lyme Regis on the subject, signed, he was informed, by many of the political supporters of the Liberal Member for that borough, who, if he voted against the present clause, would meet with the approbation of a considerable portion of his constituents. The fact was that when the Chancellor of the Exchequer brought forward his Budget, the people in the country, not being behind the scenes, were so much prepared to expect an increase of taxation that they were agreeably surprised to find a diminution proposed instead; and they were not disposed to look too nicely at the mode by which the surplus was arrived at, or the manner in which it was to be distributed in relief of taxation. But subsequent reflection had led to considerable misgivings as to the surplus. The sad and melancholy accounts of events in the United States, which must materially affect the interests of this country, and the remonstrances of the China merchants, who certainly took a different view of their rights with respect to the Chinese indemnity from that entertained by the Chancellor of the Exchequer, had caused many doubts and inspirings whether the surplus would be realized; so that with respect to the repeal of the paper duty, the feeling was almost unanimous among his constituents that the present was not the moment that ought to be chosen for its repeal. Persons down in the country were not in the habit of going deeply into constitutional questions—they generally left such subjects to be discussed in that House by learned and constitutional lawyers; but a very large number of them had come to the conclusion he had just stated on the practical question. They thought the House of Commons had been led astray last year by the eloquence of the Chancellor of the Exchequer; but, notwithstanding the right hon. Gentleman's vehemence and the exertions of a portion of the press, a decided majority of the country now felt that last year the House of Commons had done wrong, and that the House of Lords had done right in refusing assent to a portion of their legislation. This year they had had discussions in that House on a similar subject, but no great public interest had attached to them. The country did not take a great interest in this question, as it was one the consideration of which went far beyond their habits of thought, and they were content to leave it to the decision of the House. But what, he would ask, were the objections urged against the tax on paper? Why, that it was an Excise duty, and all duties which came under that category were, no doubt, very naturally looked upon with disfavour. Entertaining that opinion, he himself had, on a former occasion, voted for the repeal of the paper duty as well as of the malt tax; but he had subsequently, a year and a half ago, in addressing a large assemblage of agricultural constituents, told them that they must not expect him to repeat those votes in the existing position of the finances of the country — a declaration which, however the matter might be mystified in that House, his constituents could well understand as being justified by the altered circumstances of the case. If, he might add, taxes ought to be repealed on the score that they were Excise duties, the hop duty stood out with irresistible claims for the consideration of Parliament. He could not understand how the Chancellor of the Exchequer could have steeled his heart against the irresistible arguments in favour of the remission of the hop duty, so ably urged by hon. Gentlemen representing the counties of Kent and Sussex in that House. Contrast the claims of those two interests. What were the special grounds for the repeal in preference of the duty on paper? Did the manufacturers of that article come before the right hon. Gentleman *in formâ pauperis,* and ask him to take the course which he was now pursuing? No. What they complained of was the peculiar position in which they were placed by the operation of the French Treaty, and the difficulty in obtaining the raw material of their manufacture which that instrument threw in their way. So strong, indeed, was their case in that particular that the free trade Member for Manchester had deemed it to be his duty to vote against his party on the question, because he considered that in the teeth of the difficulties in the way of procuring the raw material, it was a case in which a departure from the strict principles of free trade was justifiable. It was, indeed, contended that a great increase in the consumption of paper would be the result of the repeal of the duty; but he feared it was in the consumption of foreign paper that that increase would take place, and the prospects of the English manufacturers, under the circumstances, were such that many of them thought of taking their capital abroad; so that the stimulus to trade afforded by the remission of the tax and the consequent replacement of revenue which were spoken of were likely to turn out a mere delusion. There was, he maintained, no analogy between the Excise duty on paper and that on brick, glass, and soap; because in the case of all the last-mentioned commodities no scarcity of the raw material prevailed; while the peculiarity of the paper trade was that it was almost impossible to procure the raw material for the finest paper, owing to the artificial obstacles which were thrown in the way. His main objection, however, to the repeal of the tax on paper was that by taking that course a permanent source of revenue was abandoned in the face of enormous taxation, and that which amounted in reality to a war expenditure. It appeared to him to be an extraordinary case of *non sequitur* on the part of the Chancellor of the Exchequer to say, "You will spend £70,000,000, and I will take off the paper duty," when he ought rather, under the circumstances, to have said, "I will retain a source of revenue which already exists, and which is increasing." A retention of revenue, not a sacrifice of it, might have been expected under such circumstances. That source of revenue he, for his own part, believed could be well maintained with the present Excise regulations, while it was one which in its incidence did not press very severely on the great body of the people. If the Chancellor of the Exchequer wished to enforce economy by rendering taxation odious he would find his scheme turn out to be fallacious and his projects to end in increased expenditure. The right hon. Gentleman had already hinted at the adoption of such a course; but he could, notwithstanding, hardly believe that such was really his intention, for if it were so the proper seat for him would be below the gangway instead of on the Treasury bench. Could the right hon. Gentleman hope materially to reduce our present rate of expenditure? He should answer that question by saying that he had during the recent short vacation had an opportunity of seeing the enormous works which were being carried on on the coast of Dorsetshire, where we were constructing quite a Gibraltar. When those works at Portland were completed we should have to maintain there stores and cannon and a very large additional force of Artillery. Similar works were being carried on on the Medway, at Portsmouth, and at Plymouth: and it was scarcely, he thought, under those circumstances, to be expected that any material reduction of expenditure could immediately take place. The noble Lord the Member for Tiverton clearly contemplated no such reduction. He knew well that the country expected him to put our defences in a position adequate to defend our shores from hostile invasion from whatever quarter it might come; and the cause of his popularity was that the community at large believed they might safely trust to his keeping the honour and safety of the nation, and that he had on many occasions manfully stood up in opposition to the views on the subject of hon. Members below the gangway, especially the hon. Member for Birmingham. If, he might add, there was any distrust of the Chancellor of the Exchequer entertained out of doors—and that such was the case, despite the high character and splendid abilities of the right hon. Gentleman, there could be no doubt—it arose from the circumstance that he was supposed to incline too much towards the financial and economical doctrines of those who sat below the gangway. What he (Mr. Ker Seymer) and his friends contended was that if we could at the present moment afford to repeal any taxes, the duties selected ought to be those which pressed on what might be termed almost necessaries of life, such as the duties on tea and sugar. There was one advantage attendant on the remission of burdens of that nature which did not exist in the case of the tax on paper—that the Government might hope to recover, by means of increased consumption, a large portion of the duty taken off; while, by the augmented importation of articles coming from a distance, a great impulse to the trade and navigation of the country would be given. He wished also incidentally to say a word in favour of the West Indies, with which he was connected, and whose claims he would not shrink from urging from any fear of the imputation of interested motives, and whose interests he thought had been most unfairly dealt with by the House and by the country. Sir Robert Peel himself thought that the principles of free trade had been applied to that interest in a manner that partook of injustice. The steps which we then took he, of course, did not mean to ask the House to retrace, but he thought it would not be unfair if, on behalf of the West India interests, he were to maintain that we ought, at all events, to take off the war duties on sugar, in order, if possible, that the estates in that quarter might be cultivated by means of an increased demand for their staple produce. He called upon the Committee, ere they proceeded to vote away a permanent revenue, to consider what they were about. In opposing the repeal of the paper duty he was not, he might add, actuated by any feeling of hostility to the penny newspapers, which he believed were well conducted and were conferring benefits on the public. He had regard simply to the present position of the country, to our increasing expenditure, and to the expediency of making, if it could be done, arrangements for the remission of the war duties on tea and sugar and the reduction of the income tax to a level more in accordance with the feelings and wishes of the community than that at which it at present stood. Having thus stated briefly the objections which he entertained to the surrender of £1,500,000 of permanent revenue, he trusted he should have the support of a majority of the House in voting against the clause under discussion.

MR. MONCKTON MILNES: Sir, after the vote which I deemed it my duty to give on the Budget of last year I cannot present myself to the House as an enthusiastic admirer of the financial propositions of the Chancellor of the Exchequer; but, at the same time, it seems to me that one does not require that extreme passion for the repeal of the paper duty which has been displayed by many hon. Gentlemen to support generally the Budget now before us. I have always been of opinion that the paper duty was an objectionable tax, and should be got rid of whenever we had an opportunity of so doing. Last year I thought we were not in circumstances to dispose of so large an amount of revenue, and, therefore, I gave my vote against the repeal of that duty. Of course, I am not one of those who are inclined to find fault with the action taken by the House of Lords in the matter. While I should regard anything like dissension between the two branches of the Legislature with feelings of the deepest regret, I must say that I see in the course pursued last year by the House of Lords not that aggression, that violence, that departure from constitutional usage which some hon. Gentlemen recognize in it, but a proof of the indirect manner in which the other House, to a certain extent, represents the opinions and sentiments of the country. I am certain, at all events, that the Lords would never have taken the step they did if there had not been a strong feeling in the country that it would be impolitic to repeal the paper duty. Taking that view of the case, I can bring to the consideration of the present Budget a clear and candid mind; and I do say that it would have been very difficult for the Chancellor of the Exchequer, with what he tells us is a surplus, to have passed over the repeal of the paper duty consistently with his own convictions, and consistently, above all, with that permanence of opinion and that directness of purpose which we must always esteem in our leading statesmen. The question of the paper duty is not a new one; on the contrary, it has for several years been agitated in one form or another, and occasionally, I am bound to say, with some exaggeration. The paper duty was connected in the minds of many persons with what are called "taxes on knowledge," and it assumed almost a moral and intellectual character. Certain abstract Resolutions passed by this House on the subject were sufficient to place the large amount of capital invested in the paper trade in a most uncertain and precarious position. Depend upon it, you cannot go on year after year condemning a tax, and yet not repealing it, without doing an immense amount of injury to individuals; and I hold that the mischief which has been done in the case of the paper duty has not been confined to the paper trade alone, but has been extended to other relative branches of commerce. I feel, therefore, that if we have the means, as the Chancellor of the Exchequer tells us we have, of remitting the paper duty without inflicting injury upon any class of the community, it would be impolitic to keep so large an interest any longer in a state of uncertainty, and that the Government have not done wrong in asking us to abolish the tax altogether. The repeal of any tax must give rise to considerable discussion; but I think there is always a great and manifest advantage in abolishing a tax which bears directly upon the home industry of the country. You cannot remit such a tax without stimulating industries of various kinds, as well as the trade more particularly concerned; and I really do not think it would have been possible to hit upon a tax the repeal of which would have been beneficial in so many different directions as the abolition of the paper duty. It is a mistake to suppose that the papersellers will derive all the benefit. Every milliner who uses a bandbox, every tradesman who makes up a package, will be relieved to a certain extent. The general trade of the country will feel the change, and I believe that a large portion of the revenue which is thus sacrificed will return to the Exchequer through other channels. At the same time, I was much struck with that passage in the speech of the Chancellor of the Exchequer, in which he seemed to indicate that he had come to the end of his tether in the matter of direct taxation. I have watched with great interest the effect of direct taxation in this country, and remembering the cheer which Sir Robert Peel gave me when I said several years ago that I thought a certain portion of direct taxation had been finally accepted by the people, I am not so sanguine as to believe that we shall ever get rid of the income tax altogether. It has always appeared to me that a moderate income tax, fairly adjusted, must form a portion of our permanent taxation; but the country is fully aware of the fatal facility with which such a tax may be increased, and whatever may be the estimation in which the Chancellor of the Exchequer may be held by the country for his great ability, I am sure he will be held in still higher estimation if he can succeed in carrying out the original pledge and his vote—that the income tax shall not become a permanent impost.

MR. LYGON said, the hon. Member who had just sat down admitted that the relief from the paper duty would be of a very indefinite character; and while he (Mr. Lygon) admitted that tradesmen and others would derive some benefit, he must beg to point out that as the amount of the tax would have to be supplied from some other source the actual relief would be very small, indeed. Much had been said as to the numerous uses to which paper could be applied; but he believed the benefit was very much exaggerated. The hon. Member for Pontefract (Mr. Monckton Milnes) following the example of the Chancellor of the Exchequer, had spoken of the great injury to the trade that arose from the continual agitation. But if that were so it was the fault of those who raised and kept up the agitation. He should not quote the Chancellor of the Exchequer against himself on the question of repealing the duty. He preferred to wait for that explanation which the right hon. Gentleman had promised to the House, and in which he intended to reconcile all his various opinions and harmonize them into one ingenious whole. They were told that important public business had been postponed to and was impeded by the discussion of the Budget. He did not see what important business was so postponed. The Electoral Law Amendment Bill, and the Appropriation of Seats Bill were almost the only Government measures before the House; and, considering the importance of the principles involved in the Budget, the country would not complain of the discussion of the Budget having preceded them. Judging from the advantages that accrued from full discussion of the financial proposals of last year, he saw no reason to regret it. Early in last Session the proposal to repeal the paper duty was carried by a large majority; but it gradually fell—to one not even in its teens—a majority of nine. That was the result of the protracted discussion. Similar was the case of Parliamentary Reform. For three years there was a clamour for reform. In 1859 it was discussed; in 1860 it was discussed again. By that discussion the mind of the country was satisfied and calmed down. It was convinced, by the arguments on both sides of the House, that the evils complained of had very little foundation in fact, and a feeling of general contentment with the institutions of the country grew up with the discussion. As far as experience went, they had reason to congratulate themselves that they had the opportunity of fully discussing the financial proposals of the Government. The duty of the House of Commons was not merely to accept and register the proposals of the Government, but to criticise and examine them. Here was a clause totally repealing the paper duty. Now, for the last year and a half, every one had been asking—who wants it? If the opinion of the public was fairly examined they could not find any class who required it. When the people were really excited on any question there could be no mistake about it, as in the Reform agitation of 1832, and that of the Corn Law Repeal, when a civil war was almost produced. Having this experience of the way in which the feeling of the people expressed itself, no one would venture to say that any strong or real feeling existed now in favour of the repeal of the paper duty, or against the course of the House of Lords last year. If there was this apathy on the part of the people, he wished to know for whom was the repeal of the paper duty required? How had the agitation made such progress? They could suppose a tax being obnoxious to a small class of uneasy agitators, who tried to persuade the people that their particular grievance was a grievance of the country at large; if they had possession of part of the public press, they might easily give the question a factitious importance; and if parties were nicely balanced, a few votes might become of great consequence to the Government. Thus had the paper duty been made a question of importance; and being supported by the splendid eloquence of the Chancellor of the Exchequer, people had been carried away from a fair consideration of the merits of the question; and though his financial plan was repugnant to sound arguments, they had been led to suppose that measures for which so much could be said must be wise and beneficial. Then, it being impossible to find any one who was anxious for the repeal, what were the main objections to it? Of course every tax was, to a certain extent, objectionable; but, as Dr. Johnson had said, of two contending theories, one must be right and one wrong, and, although much might be said on either side, the greatest weight should be given to that in favour of which the balance of argument was found to exist. Well, first, he had shown that there were no substantial reasons in favour of the repeal of the paper duty. Then it was impossible to say that its retention could be injurious to the trade. A return lately laid on the table of the House showed the enormous development of the trade since 1835, when the produce of the duty was £796,000 only, it being now £1,300,000. But it was said to be a tax on knowledge. Yet what said Mr. Bohn on the question?—

> "So far from books being cheaper in consequence of that reduction, copyright books are much dearer. Nobody would have ventured in those days to publish a popular 8vo. volume without plates, at 18*s*., as in the case of Macaulay. Twelve shillings used formerly to be thought an extreme price. As for the benefits that the abolition of the paper duty will confer in promoting cheap Bibles and the publications of the Religious Tract Society, I can only say, with as much certainty as I could predicate anything, that none will be felt. The Bible, as officially published under authority of the Crown, does not pay any duty whatever on paper, and is printed with scarcely any profit, so that it may be bought for less than a shilling, which surely is cheap enough; and the Religious Tract Society may be said to get both their paper and duty for nothing, inasmuch as the whole establishment, though trading for profit, and often conflicting with the trade without advantage to the public, is supported by large voluntary contributions. The literature of this country, and with it its congener the paper trade, has been progressing with great rapidity for some years past, chiefly on account of the spread of education, the increase of wealth and population, the facilities of locomotion, the liberality of our postal arrangements, and the mercantile progress of America, Australia, and our own country; and if left alone it will still progress. But if its course is to be interrupted by the meddling hand of a band of reckless theorists, it is not unlikely to retrograde."

The diffusion of sound and useful knowledge among all classes of the community was an object which Gentlemen on the Conservative benches were as anxious to promote as any other Member of this House, and he trusted that this would never become a party question, much as they might differ as to the means. Judging from experience, however, it might be said that the paper duties in their present form had interposed no material bar to the diffusion of useful knowledge. Well, then, was the tax injurious to the consumer? The Chancellor of the Exchequer had stated that the import duty on tea did not affect the consumer; and if that were so, how could the Excise duty on paper have any such influence? He believed that the benefit to the consumer from the repeal of that duty would be of a most infinitesimal description. Of course certain classes of tradesmen might derive advantage, but he could not see that they were the victims of any injustice from their present contributions to the national exchequer. All objections to the retention of the paper duty being thus disposed of, what were the advantages gained by it? There were exactly 1,300,000 advantages, that being the amount sterling it annually produced, and this he thought a sufficiently substantial reason in favour, in the absence of any objection to the retention of the paper duty. That was a sum that the country could not afford to squander away. Then it was argued that the trade would receive a stimulus from the repeal. The hon. Member for Gloucestershire had, however, shown the fallacy of this argument, and that it was the foreigner, and not the Englishman, who would be benefited by it. The £1,300,000 produced by the duty was even more than the whole of the charges, excepting those of the law department, upon the Consolidated Fund; and this was another forcible reason against the proposal of the Government. It was said that the House of Commons was precluded by its former decisions from raising this question again; but he contended that the forms of the House were devised for the very purpose of enabling Members to raise such questions on different stages of a Bill, and they were not called upon to abandon their just privileges for the mere convenience of the Government. What was it they were contending for in opposing the repeal of this duty? They were contending that the basis of taxation ought not to be changed, and against any diminution of the sources from which our revenue was drawn. It was prudent to have as many sources of taxation as possible, in order that a disaster falling upon one source of revenue might not seriously affect the finances of the year. They were told that an Excise tax was in itself odious; but not much more than 100 years ago there was a statesman who maintained that there could be no better basis for taxation than Excise; but the House of Commons rejected Sir Robert

Walpole's proposals, and it was mainly from the circumstances of that time that the name of Excise became odious to the people. Writers, however, who had examined the question of taxation maintained that an Excise, if wisely administered, was the fairest source of revenue. The tendency of modern legislation had been in the opposite direction, and Sir Robert Peel had wisely relieved the industry of the country from a large amount of taxation. But there must come a time when we must stop in that course of policy, unless the country were prepared to follow the recommendation of the hon. Member for Birmingham (Mr. Bright), and raise all the revenue of the country by a direct tax of 8*s*. on every £100 of property. All the credit of these remissions of taxation did not properly belong to Sir Robert Peel; for while, from 1832 to 1842, the burden of taxes removed did not amount to more than £4,500,000, and in the succeeding ten years to £7,000,000, from 1822 to 1832 the remission of taxation amounted to £18,000,000. Of course, in the earlier period, the heavy war taxation and the reviving industry of the country in consequence of the cessation of the war, accounted in some part for the taxes repealed; but it must be borne in mind that the policy was not inaugurated by Sir Robert Peel, for he merely followed the path which his predecessors had so wisely struck out. Admitting that this policy had been wisely followed from 1822 up to the present time, we ought not to be deterred by the successful results of what had taken place from looking fairly at the proposal now before the House on its own merits. The objection which he had to the proposals of the Government was that they placed the finances of the country on an insecure foundation; that they were too much in the spirit of the eminent financier who had

> "Run in debt by disputation,
> And paid by ratiocination."

He objected to the form of the Bill on the ground that it was inspired by the motive of paying off a score which it was said had been contracted by the Commons against the Lords. If the privileges of the Commons, which had been so long the palladium of English liberty, were seriously attacked, no doubt every hon. Member in the House would rise up in their defence; but it was only because they had been wisely used to further the best interests of the people that these privileges were so dear to the country; and if they were degraded from their legitimate use to promote the interests of a noisy clique of agitators, the Commons would do much to imperil their own position as a branch of the Legislature. They were told that they had been affronted by the Lords, and that they ought to vindicate the privileges of the House, but this must have reference to the question upon which that of privilege was raised. Mr. Burke, in reference to taxing the Americans, in addressing the House, said—

> "This dignity of yours is a terrible incumbrance to you, for it has of late been ever at war with your interests, your equity, and every idea of policy. Show the thing you contend for to be reason; show it to be common sense; show it to be the means of attaining some useful end, and then I am content to allow you what dignity you please. But what dignity is derived from perseverance in absurdity? Every hour you continue on this ground your difficulties thicken on you."

The right hon. Member for Carlisle (Sir James Graham) told the House that if the country were appealed to with the hustings' cry of "Paper *v.* Tea," "Commons *v.* Lords," he did not think that Gentlemen on the Liberal side of the House would have much to fear. On the eve of a great political struggle there could not be a better man than the right hon. Baronet to tell the country "the reason why" of it; but in this case he had placed himself greatly at variance with a close observer of political events, Lord Macaulay, who, in one of his Essays, said—

> "The privileges of the House of Commons, those privileges which, in 1642, all London rose in arms to defend, which the people considered as synonymous with their own liberties, and in comparison of which they took no account of the most precious and sacred principles of English jurisprudence, have now become nearly as odious as the rigours of martial law. . . . .
> If the Commons were to suffer the Lords to amend Money Bills, we do not believe that the people would care one straw about the matter. If they were to suffer the Lords even to originate money Bills we doubt whether such a surrender of their constitutional rights would excite half so much dissatisfaction as the exclusion of strangers from a single important discussion."

When the time came he should join heartily in negativing the clause now under discussion, because he was convinced that the proposal was most objectionable as to the "matter, manner, measure, and time." As to the matter, because he conceived that they were, by the course proposed, placing the finances upon an insecure and unsatisfactory foundation; and, as to manner, because they were attempting to inflict a slight on the other branch of the Legislature in reference to that matter to which they were obliged humbly to submit last year. As to measure the scheme seemed to him to be objectionable, because the circumstances of the present year did not warrant them in supposing that the financial position of the country would be such next year as to enable them to remit this £1,300,000; and he objected to it above all because it seemed to him, from what had taken and was taking place in that and the other House and in the world generally, that this was not a time for dealing in the manner proposed with the taxation of the country. Upon these four grounds he trusted that the Committee would negative the clause now under consideration.

Mr. POLLARD-URQUHART said, that after three repulses the hon. Gentlemen opposite were making a fourth attack, and he feared that between tea and paper the result would be that John Bull would find himself in the position of the ass between two bundles of hay, the end of which tantalizing predicament was said to be starvation. They heard from *The Times*, from the hon. Member for Dungarvan (Mr. Maguire), and from various quarters that great distress prevailed among the paper manufacturers on account of the uncertainty as to the duty, and whatever the abstract merits of the question might be, they were doing great injury by prolonging that state of uncertainty. He trusted that when they had swept it away hon. Members on the Government side of the House would be ready to assist in the reduction of the duties on tea, sugar, and hops. The abolition of the paper duty must cause a great expansion of trade and increase the Revenue from other articles of Excise by reason of their increased consumption. If there had been more paper mills in the neighbourhood of Coventry they would not have heard of so much distress among the riband makers. It was said that there was no great cry against the paper duty; but were they to wait until an association like the Anti-Corn Law League was established for the removal of restrictions on British Manufacturers? Were they, to use the words of the right hon. Member for Buckinghamshire in "Coningsby to yield nothing to reason and everything to agitation?" The same objections which were made to this measure were raised against the remission of the duty on bricks and on other Excise remissions; but as in those cases they had had no reason to regret the step taken, in like manner let them repeal the duty on paper, and he believed that they would never have occasion to repent it.

Mr. HENNESSY said, that before entering into the discussion he wished to call the attention of the Chairman to the clause as now amended. The clause included a Resolution passed in Committee of Ways and Means, and he wished to ask whether it was not an unusual course for a Minister of the Crown to ask them to pass a clause totally repealing a duty, and which had not been brought forward in a Customs' Act? The clause, before it was amended by the Chancellor of the Exchequer, referred solely to Excise; and the Bill, before it was amended, had a preamble which excluded all mention—so far as legislative power was concerned—of the House of Lords. The preamble was, that "Her Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom give and grant;" and he was not aware that any such preamble had ever before been applied to a Bill repealing a Customs' duty. The usual form was, "Be it enacted by the Lords Spiritual and Temporal and Commons in Parliament assembled." The Chancellor of the Exchequer, in putting in his Bill a clause, introduced, not in a Committee upon the Customs' Act, but in a Committee of Ways and Means, had been able to avoid that preamble which had been in uniform use in repealing the Customs' Acts. When the Chancellor of the Exchequer, on a former occasion, submitted his Bill, he adopted the usual course, and had a Committee to consider the repeal of Customs' duties. He wished to know whether the course pursued was not an unusual one?

Mr. MASSEY said, that a Resolution affecting Customs was a Resolution affecting trade, and it was, therefore, necessary that it should originate in a Committee of the Whole House. The Resolution formed part of the financial arrangement of the Chancellor of the Exchequer for the year, and if he thought fit to move it in a Committee of Ways and Means—which was a Committee of the Whole House—he did not think there was any objection. Though it was usual that a Resolution affecting trade should be moved in a Committee specifically appointed for that purpose, yet he could not say that there was any irregularity in moving such a Resolution in a Committee of Ways and Means.

MR. HENNESSY said, that he had not heard any hon. Member except the one who commenced this discussion make any reference to his constituents. Now he himself had been favoured with communications from his constituents. He held in his hand a letter from a gentleman who was Chairman of the Town Commissioners of one of the most important towns in the county which he had then the honour to represent. This gentleman, who like himself was in favour of the repeal of the paper duty, said—"I am confident that no greater boon can be conferred on the people of Ireland than a repeal of the war duty on tea," and in so saying he was expressing the almost universal wish of the country. If this question were argued on its merits there would be an overwhelming majority in favour of the repeal of the duty on tea in preference to that upon paper; but the political considerations were dwelt upon by the Chancellor of the Exchequer, and every Member who had spoken on the Government side said that those considerations must decide the question. It was said that the time was come to repeal the paper duty, because it was desirable to terminate the collision with the House of Lords as speedily as possible. The Chancellor of the Exchequer seemed to have forgotten the argument which he used last Session, when he said that the House of Lords in dealing with a Bill such as was now before the Committee could amend it without coming into collision with the Commons. The Chancellor of the Exchequer on that occasion said, "It appears to me that the Amendment of a Money Bill is a light thing compared with the claim to prevent a repeal of taxes." He (the Chancellor of the Exchequer) now said, on the contrary, there was no rule to prevent the House of Lords from amending a Money Bill, but that the Amendment of such Bills was more frequent than their rejection in the other House. If that was correct, there was no necessity whatever for introducing the clause in the manner now proposed. The hon. Member for Plymouth (Mr. Collier) also supported the view taken by the Chancellor of the Exchequer, and said the House of Lords had never given up its right to amend Money Bills. What, then, was the position of this question? Last year they were told that the Lords had a right to amend, and not to reject a Money Bill; and they were now asked to sanction this measure *in globo*, in order to prevent the Lords criticising it, on the ground that this being a Money Bill they would have no right to amend it.

In a discussion which took place in this matter on a former occasion he ventured to criticise some statements made by the hon. Member for Dungarvan (Mr. Maguire). He then stated that the increase in the manufacture of paper last year was little more than the average increase during the last twenty years. He made that statement on the figures furnished the House by the hon. Member for Dungarvan, which turned out not to be quite accurate, as shown by the returns on the subject recently laid on the table of the House. The hon. Member for Dungarvan stated that the increase in the manufacture of paper last year was only 6,000,000lbs., while in the previous year the increase had been 13,000,000lbs. A return had lately been presented to the House which showed the real increase in the quantity of manufactured paper, and it appeared that the increase last year was no less than 16,000,000lbs., while in the previous year the increase was only 14,000,000lbs. The increase in the year before, instead of being 25,000,000 lbs., was 14,000,000 lbs. Therefore, not only was the increase last year above the average, but 2,000,000 lbs. more than in the preceding year.

On one or two occasions allusions had been made to the advantages that had accrued to Ireland through the financial arrangements of the present Chancellor of the Exchequer, and he thought that Irish Members might fairly inquire how far Ireland received any advantage from the last Budget of the Chancellor of the Exchequer. When the repeal of the duty on foreign butter was carried, a letter from a gentleman in Ireland, who had been for more than a quarter of a century engaged in the butter trade, assured him that the Irish butter had been seriously injured by the reduction of the duty on foreign butter, and that the importation into London had diminished one-half, and that there had also been a great falling off at Liverpool. That statement was borne out by a reference to figures. In 1861, up to the 29th of April, when the Chancellor of the Exchequer's scheme was in full operation, the foreign butter imported into England was 537,000 casks, the Irish butter 156,000 firkins; in last year, when the scheme was in partial operation, the foreign butter imported up to the 29th of April was 470,000 casks, and the Irish 242,000 firkins. In the previous year, and before the Chancellor of the Exchequer interfered with this trade, the foreign butter imported was 347,000 casks, and the Irish 339,000 firkins. Ireland was an agricultural country, and, therefore, the change, however it might benefit the English consumer and foreign producer, had inflicted great injury upon the Irish farmer.

But one of the reasons assigned by the Chancellor of the Exchequer for giving up the £1,300,000 of paper duties was, that all that amount, and more, would go into the pockets of the people. Facts and figures had been quoted by the hon. Members for Birmingham and Leeds, supporters of the right hon. Gentleman, which seemed to throw much doubt upon the accuracy of his statement. The hon. Members to whom he referred had told the House that the penny newspapers would benefit enormously by the remission of the tax. The hon. Member for Birmingham said that the *Manchester Examiner* paid £6,000 a year for the duty upon paper, and another paper paid as much as £9,000 a year; the average amount paid by the London penny papers being £6,000 a year. He (Mr. Hennessy) had ascertained the number of penny papers throughout the conutry, and, taking the statement of the hon. Gentleman and striking a fair average, he found that of the £1,300,000 something like £1,200,000 would go into the pockets of the proprietors of the penny newspapers, while only about £50,000 or £100,000 would be left for the public to divide among them. This must be a manifest absurdity, but even if the figures of the hon. Gentleman were correct, and if the cheap newspapers would gain so largely, he (Mr. Hennessy) did not object to the penny papers receiving that benefit, but he mentioned these facts to show that the statements made on the other side of the House required to be looked at somewhat carefully.

Another statement of the Chancellor of the Exchequer was, that he gave this impost up because he had a surplus that fully enabled him to do so; and amongst the items making his surplus was the money he expected to get from China. About the safety of his anticipations on this head being realized during the present year there was room for considerable doubt; and he would call the attention of the right hon. Gentleman and the House to what an equally celebrated and able Chancellor of the Exchequer once did under corresponding circumstances. Mr. Pitt had to deal with a Budget in 1795 which in many respects resembled the present one. He required £27,000,000, and he proposed Ways and Means including £500,000 owing by the East India Company—a much more reliable source than the Chinese Government. The question arose how far Mr. Pitt was justified in repealing duties in expectancy of getting this £500,000; and Mr. Pitt said he felt bound to prepare for the event of its not being paid at the proper time, and he made provision for it as part of the general deficiency. This was a similar case, but an opposite course was now pursued. For these reasons he should feel it his duty at the present moment, mainly in behalf of Irish interests which he was there to represent, but also on Imperial grounds, to oppose the adoption of the proposed course, which was not based on established precedents but on a novel scheme of the Chancellor of the Exchequer's own creating, and one which he hoped the House would not be disposed to sanction.

Mr. NORRIS ventured to think that the House would be taken somewhat by surprise by the proposition of the hon. Member for Dorsetshire (Mr. Ker Seymer). He thought during the last six weeks the House had settled the question now raised, and that after the Motion of the hon. Member for North Warwickshire (Mr. Newdegate) had been disposed of, the Bill giving effect to the Resolutions previously adopted by the House would have been allowed to pass without further hostility. But if he was surprised at the opposition now raised he was still more surprised to hear the hon. Members for Dorsetshire (Mr. Ker Seymer), for Tewkesbury (Mr. Lygon), and for the King's County (Mr. Hennessy), each in succession warning the House against this proceeding, pointing to an exhausted Exchequer, to wars and rumours of wars, to assumed deficiencies of income, and enormously increased expenditure, as grave reasons why the House should not part with Excise duty on paper, when only a few nights since those hon. Gentlemen passed into the lobby, to repeal this year, not £660,000, but £980,000; and in the coming year a sum amounting to about £1,800,000 of taxation. They then cast aside, with the utmost calmness, their nervous fears as to the state of trade, and concurred in endeavouring to get rid of a very large amount of taxation. He (Mr. Norris) could not admit that they had shown tenable ground or substantial reasons why the House should not repeal the paper duty, and he could not believe that the reasons assigned were the true reasons. He was still more astonished to hear the hon. Member for the King's County declare how opposed the people were in the part of the country from whence he came to the repeal of the paper duty, when he recollected to have seen among the list of names of gentlemen of great public usefulness in Ireland, forming an association for the repeal of the paper duties, and meeting at the Royal Exchange in Dublin, the name of the hon. Member himself. It did not seem to be recollected by the hon. Gentleman that paper was most extensively used by the manufacturers of Sheffield and Birmingham and Manchester, and similar places. The briskness of trade in those places would frequently account for the increased consumption. The hon. Gentleman (Mr. Hennessy) seemed to think that the proprietors of the penny newspapers would receive all the benefit of the remission of the duty within some £40,000 or £50,000. He (Mr. Norris) did not wish to use language disrespectful to the House, but he could find no other term to characterize this proposition than to say that it was perfectly ridiculous. Any one conversant with the subject knew that the largest portion of the paper duty was paid by the manufacturers in the towns he had named. They were told on a previous night by the hon. Member for Nottingham (Mr. Mellor) how oppressively the tax operated on his constituents in respect to the paper boxes in which they packed their manufactures. The hon. Member for Tewkesbury (Mr. Lygon) had said something about how the agitation in respect of this paper tax had been got up. He would remind that hon. Gentleman that it had always been an unpopular tax, that it had continued to increase in unpopularity, and in 1836 it was condemned by a vote of the House of Commons; and a distinguished Gentleman who then held the office of Chancellor of the Exchequer, Mr. Spring Rice, now Lord Monteagle, said on that occasion—

> "If I find a tax uncertain in its collection, unequal in its operation, occasioning doubt and difficulty in the minds of the officers by whom it is collected, and continued embarrassment on the part of those by whom it is paid, then I say at once, repeal it in preference to any other course. There is a tax which, after the most anxious and careful consideration, offers itself to my mind in such a point of view, and I hesitate not to say it answers every one of the objections I have made—that is, the paper duty."

Science had manipulated a vast number of substances into articles which, if not paper, it would be difficult to call by any other name; and the result of this was that in no less than seven of the trades using these articles was the duty remitted by the Excise. In fact, one strong reason for abolishing the paper duties was the great difficulty, approximating to an impossibility, of the officers saying what was and what was not paper. In 1858, when the right hon. the President of the Board of Trade (Mr. Milner Gibson) brought forward a Motion pledging the House to a reduction of the duty, the right hon. Member for Buckinghamshire, then a Minister of the Crown, said the paper duty could not be defended. Last year the same high authority said he would be willing to repeal the paper duties when there was a surplus. The same authority this year indicated that there was no surplus, and that, therefore, no taxes could be repealed, and yet on another day he admitted he voted to take off £1,700,000 or £1,800,000 of tea and sugar duties, or a greater amount than would be given up by passing this clause. This showed that his mind had been directed to the subject, and that he was convinced there was a surplus, and it was too late for the right hon. Gentleman and his friends to oppose the abolition of the paper duties on the ground that the Exchequer could not spare the money. Again some Gentlemen set themselves up in that House as the defenders of the other branch of the Legislature. Now, it seemed to him, from what he had read of the other House, and from what he knew of some of its Members, that they were entirely capable of taking care of themselves, and that the gratuitous imputation that they were unable to take care of themselves was not gratifying to them, but offensive. When the noble Lord the Member for North Leicestershire (Lord John Manners) defended so forcibly the privileges of the House of Lords, he was reminded of some verses written by the noble Lord—

> "Let wealth and commerce, laws and learning die,
> But leave us still our old nobility."

Well, he thought the "old nobility" could take care of themselves, and, therefore, he would not venture on any refutation of what had been said in their defence on that occasion. A short time since a Return had been made to the House of Commons of the number of paper mills in existence in the United Kingdom from the year 1838 to the year 1858; from which it appeared that in 1838 there were 416 mills in England, 49 in Scotland, and 60 in Ireland. The decrease crease in England between 1838 and 1848 had been 63, and between '48 and '58 it had been 47, which was a decrease of 26 per cent between 1838 and 1858. In Ireland, where papermaking at one time was successfully pursued, the number decreased from 60 in 1838 to 27 in 1858 or 55 per cent. He took it that the operation and inequality of the Excise had had a little to do with that lamentable result. The papermaker wanted two capitals—one for his business the other for the Excise. But if he sold paper to a customer who deceived him and did not pay, he not only lost the cost price of the material, the expense of manufacture, and his profit, but he lost the whole of the Excise duty into the bargain. There were a thousand ways in which the Excise upon paper was oppressive and cruel, and, notwithstanding Mr. Bohn's assertion, seriously impeded the production of cheap literature. Mr. Bohn was a publisher to a large extent of valuable standard works; he exported very large quantities to America; he had a stock in hand which he did not expect to sell for fifteen years, and he knew that if the duty were remitted other publishers would bring out the same works, and he would no longer receive the £300 or £400 a year drawback which he now received. That was his answer to Mr. Bohn. There was one other remarkable instance of the prejudicial operation of the Excise upon the paper trade. Whenever they saw a printing machine at work, they must have perceived that the paper was wet when it received the impression. The manufacturer produced the paper in the exact condition in which the printer desired to use it; but the papermaker was compelled to dry it in the process of its manufacture, in order that it might not pay higher duty, and it was only at considerable cost of trouble and expense that the dampness necessary for printing was afterwards produced. If the printers were allowed to receive the paper in its damp state from the makers from £4 to £6 or £7 per ton saving would be effected. Finally, the duty had been repeatedly condemned in that House; its repeal had been assented to in 1858 by all parties, and it was only that night that any one had stood up to say that it ought not to be repealed. Last year the Bill for its remission passed upon three divisions! this Session it had been discussed for ten nights, and he trusted on that, the eleventh night, the House would affirm its repeal by a large majority.

Sir JOHN WALSH said that, although such a thing would hardly be guessed from the state of the benches, he believed that that evening was to be rather an important crisis in the history of the Session of 1861. During a somewhat long Parliamentary career he had been a spectator of or an actor in many crises, and although this one could not vie in the probable importance of its results, or in the magnitude of the interests involved, with many which he could recall, yet it was the most irritating, the most annoying, and the most troublesome crisis which he had had the ill-fortune to have witnessed. But it should be borne in mind that this question, which seemed by hon. Gentlemen opposite to be considered somewhat of a party contest, had really been forced upon the Opposition, who were reluctantly obliged to come forward and defend their own principles and those large interests of which the voice of the country seemed to think that they were the natural champions. He had heard it whispered that something like a spirit of faction, or a desire to displace Her Majesty's Ministers, was the *primum mobile* of hon. Members on the Opposition side of the House. As far as his observations and knowledge went he would venture to say that since the beginning of this Session the predominant feeling on that side of the House had been a desire not to disturb Ministers —not by any combination of parties or by any *ruse* to oust them from their seats. Quite the reverse—the desire on his side the House had been to support, as far as they could consistently with their principles, the noble Lord who presided over Her Majesty's Councils. He did not pretend that in entertaining this desire they were actuated by any peculiar disinterestedness. They felt a very sincere personal respect for the noble Lord at the head of the Government. They had a great admiration for his inimitable dexterity and skill, his knowledge of the House, his long and extensive experience of public affairs; and, he would add, the Conservative party gave him credit for having at the bottom of his heart a very sound attachment to the leading principles of the British Constitution. They believed that he had the head of a statesman and the heart of an Englishman. Therefore, there was no feeling of hostility — on the contrary, there was much regard, and he might say partiality—felt on that side of the House towards the noble Lord. And although they felt the deepest gratitude to Lord Derby for the chivalrous manner in which on a former occasion, in the face of an acknowledged majority in that House, and under circumstances of the greatest difficulty, he undertook—he was sure all would acquit him of any personal motives; he was sure all would admit that he entered on his duties on public grounds and for public spirited motives—for the chivalrous manner in which he undertook and successfully carried on the administration of the affairs of this country; and they acknowledged that the Conservative party derived great benefit from that short tenure of office, particularly from its revealing to the House, to the country, and to themselves that there were within their ranks many Gentlemen who were quite capable of carrying on the affairs of the State, who required no long apprenticeship to official life, but who, whether in office or in debate, in the conduct of affairs or the management of Parliamentary business, could meet hon. Gentlemen opposite upon at least equal terms—acknowledging all this they at the same time felt that the experiment of carrying on the affairs of this kingdom by a party which was in a minority in Parliament was not one which they would wish to see repeated. The position of a Ministry so situated was so painful, and so many sacrifices were involved, that they did not wish to be called upon to repeat them. They felt there was something humiliating and unconstitutional in being placed in such a position, and, except under circumstances of the greatest and most overbearing necessity, they did not wish to see such a course again entered upon. A third reason existed, and it would show that the Opposition were not purely disinterested. They believed that Conservative principles were gaining ground—that every day, every week, every year they were advancing; and, though not now in the position to which they aspired, they confidently hoped they would soon see the great leaders of their party take office with that support with which alone they could wish to see them attempt to take the reins of Government. Not wanting to pluck the pear before it was ripe, they had every desire, under present circumstances, to postpone a change of Government—nay, for himself he believed, that in the present circumstances of the country a change of Government would be undesirable for the interests of the country. But on this occasion they had no choice whatever. They were compelled to oppose Ministers, and they could not avoid doing so without loss of character and of party honour—without sacrificing those party interests which the nation had in a certain degree intrusted to them, and without throwing away the political capital which they held in the concern. He cordially concurred with the observations made by the hon. Member for Dorsetshire (Mr. Ker Seymer) at the commencement of the debate, that any Member who during the recent holidays had visited the country must have seen that not only the ordinary supporters of the Conservative party, who were supposed on all occasions to embrace their opinions, but a large proportion of those who generally ranked as their foes, looked to them as the persons who were to fight the battle on their behalf against the Ministerial scheme of taxation. Those very lukewarm friends, who were only friends perhaps on that occasion, would naturally exclaim, "What is the use of a Conservative party? What are they good for, if, with their own large minority, nearly balancing all the divisions and sections opposed to them, and backed by so strong a feeling in the country, where public sentiment is entirely with them, they have not courage enough to come forward and maintain their own principles?" Why, these persons would naturally say, "The Conservatives are such an utterly craven party that they do not deserve support; we can place no confidence in them; they are so pusillanimous that they will not fight even when they have all the advantages in their favour." The Conservative party were not prepared to sacrifice all these real substantial motives to opposition because the mere customary taunt of a party move was thrown out. It was peculiarly irritating to feel that the question was forced on a majority of the Members of that House, and on a majority of persons in the country by the curious combination of parties by which certain hon. Gentlemen sitting below the gangway were enabled to apply a sort of screw to the Government, and that, with the opinions of every person, except those of the particular section to which he had referred, in favour of the course advocated by the Opposition, it was possible, though by no means certain, that the scale might be turned against them. A charge had been preferred, if not in that House, certainly in what were called "the organs of public opinion," that the Opposition, in the hostility which they had shown to this measure, were imitating the tactics pursued with reference to the Reform Bill of last year, and were endeavouring to defeat the scheme of taxation by opposing to it a never-ending discussion. Any such intention he begged for his own part to repudiate. Moreover, the tactics of last year, if such they could be called, were carried on with equal ability, equal vigour, equal determination, and equal perseverance from the Ministerial as from the Opposition side of the House. The question really came to this: Had the Opposition, in their conduct with reference to a measure which they conceived to be fraught with most mischievous consequences, exceeded the limits of fair Parliamentary usage? If, in their opinion, this measure was fraught with mischief, surely it could not be objected to them that they had taken steps by fair and open discussion to expose those mischiefs and to endeavour to remove them. They had only taken one division against the Bill—a very narrow division indeed. Last year there were two or three divisions on the same subject, and though the second reading of the Bill passed by a large majority, the third reading had a hair's breadth escape. Was it, then, so very factious—such utterly unjustifiable conduct—after the narrow majority by which the Resolution was passed, again to take the sense of the House in Committee? At the root of all this opposition to the repeal of the paper duties lay the state of our financial prospects and the calls which would probably arise at no very distant period. The country was not now in the same condition as when, during the later years of the Tory Administration, £17,000,000 of taxation were taken off in the course of a comparatively short period, without the imposition of any new tax; or, as in the time of Sir Robert Peel, when large remissions of taxation were made. Were the situation and the prospects of the country such as to warrant progressive reductions of taxation, though he might believe the paper duty to be one of the last which ought to be repealed, and though its claims should, in his opinion, be postponed to those of the payers of tea duty and income tax, no opposition would be offered by him to such a measure as the present. But the whole aspect of political affairs forbade rational or prudent men to believe in the probability of prospective and progressive remission of taxation. With regard to the particular merits of the tax now under discussion—the objections to the repeal of this paper duty had been so often and so ably urged that it was not necessary for him to do more than touch upon them. The common sense of the country had without difficulty arrived at the conclusion that it would benefit the community in only an infinitesimal degree. No one could mix with any class of society without observing how strong that impression was on the public mind. There was a great deal of theoretical fanaticism in respect to the supposed benefits of the measure; but there was a very important objection to the repeal of the impost. He supposed hon. Gentlemen opposite might be inclined to cheer when he stated that it was very generally admitted that this duty could not be renewed. By repealing the duty they were finally parting with £1,300,000 a year; for, whatever might be the exigencies of the State at any future period, they would find great difficulty in reimposing it. Would it not be more prudent to remit a tax which could easily be reimposed, more especially when such was the state of affairs generally that within a year or two we might want a very large increase of taxation to meet the requirements of the country? Now, let the Committee consider what was involved in the giving up of this sum. Hon. Gentlemen opposite were advocates for throwing all increase of taxation on the property of the country; but it must be remembered that direct taxation was, after all, a finite system. They could not go beyond a certain point in the imposition of direct taxation, and when they relinquished taxation which they could not re-impose, they disbanded so many soldiers, they gave up building so many iron-plated frigates, they deprived themselves of the means of erecting so many fortifications. They diminished the strength of the nation in case of emergency to an extent proportionate to the amount of the tax which they surrendered, if it was a tax they could never re-impose, whatever might be the emergency to which the State was exposed. The remission of £1,300,000 would not signify so much if it took place at a time when everything was calm, and when there were no indications of danger, but the case was widely different now, when on so many other points the nation was preparing for a storm. The noble Lord at the head of the Government came forward last year and asked for a very large Vote for fortifications, and the general arming on the part of the Volunteers showed what the sentiment of the nation was on the subject of danger from abroad. The hon. Member for Birmingham might, perhaps, say that that was owing to the aristocracy; but, if there was one thing more clear than another it was that this movement was entirely owing to the middle classes, and it was, perhaps, the most significant symptom of modern times that, without any call from the Government, without being invited by the aristocracy, the middle classes had acted in this matter from their own instinctive sense of danger. Yet the abolition of this tax, involving a loss of £1,300,000, was directly flying in the face of that instinctive apprehension; it had the appearance of a sideling and insidious mode of counteracting the public sentiment of the country, and of paralysing the resources of the country, at a moment when they most especially required to be invigorated and strengthened. Again, he really thought that one of the most vexatious matters connected with the repeal of the paper duty was the strong opinion entertained by the Conservative side of the House, and he believed by the House generally, that, in point of fact, they were in this matter all placed under the dictation of a small section of that branch of the Legislature, and of a most unpopular minority. He would not wish to say anything personally offensive to hon. Gentlemen on the other side, many of whose talents they must all admire, but the reduction of our war establishments to such a point as must place us at the mercy of our neighbours, and the substitution of direct for all indirect taxation —both of which measures appeared to be cardinal points with the hon. Gentlemen to whom he alluded—were in the highest degree distasteful to the great majority of the people of this country. He thought he might assert that the country had given proof of that fact. In his opinion the repeal of the paper duty was a sacrifice to the hon. Gentlemen the Members for Birmingham and Rochdale, in consequence of the indirect influence which those hon. Gentlemen possessed in the present confused state of parties in that House. He believed, also, that it was the bounden and paramount duty of those who sat on that (the Opposition) side of the House, to offer to this measure, fraught with so many mischievous consequences, their strenuous and determined opposition, and, therefore, he should cordially record his vote against it.

MR. AYRTON said, he had no intention to repel the imputations which had been cast on Gentlemen on his side of the House by the hon. Baronet and other Members who had spoken against the measure of the Government. The hon. Baronet, indeed, had answered himself. The hon. Baronet charged the popular party with compelling the Government to introduce this measure. ("No, no!") He said the Gentlemen who sat below the gangway were the popular party ("No, no!"), and then he said they were an unpopular party in the country. He charged them with being popular agitators out of the House, and with having impelled the Government to introduce this measure; while at the same time he said the measure itself was one of the most unpopular ever framed. [SIR JOHN WALSH: I said you were political fanatics.] The word "fanatics" was a very ambiguous one, but at any rate it might mean that those hon. Members who sat near him were sincere in the opinions they expressed in that House, while the hon. Baronet and his Friends expressed opinions that they did not quite feel. He wished to know for what purpose they had been discussing this question night after night from Easter to Whitsuntide? If he might judge from the speeches they had heard on the other side it could only be for the purpose of delay, in the hope that something would occur which might seem to justify the opposition of Gentlemen opposite. In the course of the discussion these hon. Gentlemen had carried the House all over the world in search of difficulties—to China, to India, to America, and to the Continent of Europe. But the treaty with China was working well, and our trade with that Empire was likely to flourish. India had been tranquillized, and there, too, our trade was likely to increase. They could not show that Europe was less tranquil than before; and all their expectations seemed to be doomed to disappointments, when suddenly there had come a messenger from Galway, and he had announced a difficulty which offered to serve the purpose of Gentlemen opposite. Whether trouble came from this or the other side of the Atlantic, it was the only one that had served to suggest the continuance of this dispute and the renewal of opposition to the Budget. But they had made no progress in the discussion, and he asked whether they were now to go back to the question whether there was a surplus, or accept the deliberate judgment of the party opposite, who had declared that there was not merely a surplus, but one favourable to a large remission of taxation? The question before them was whether the paper duty was or was not of all taxes a most obnoxious tax, and, therefore, the one that ought to be selected for remission? The Commissioners of Excise found themselves unable to answer the objections raised against the tax. There was this difficulty about it, that it was not an Excise upon a specific thing that could be easily identified in nature and described, but a tax on something that did not exist in nature and could not be defined — for any plastic fibrous substance could be converted into paper. Alcohol could be defined but paper could not. When the duty was first imposed there was a definite idea of what constituted a sheet of paper, and there was no difficulty in collecting the duty. But a change had ever since been going on in the manufacture, until paper had assumed an infinite variety of forms. Matters had, indeed, come to such a pitch that, if the right hon. Gentleman had not last year proposed to repeal the duty it was the intention, he believed, of certain parties to show the absurdity of the law and render it impossible to collect the duty. For instance, by law paper boxes made inside the paper mill were not chargeable with the duty, but if the paper was taken out of the mill to be made into boxes, it had to pay the duty—a monstrous absurdity. Then arose the question of vegetable and animal fibres. Paper could no longer be defined as fibrous vegetable matter, because animal matter could be manufactured into paper—yet paper made of vegetable fibre was held to be liable to the duty, and that made of animal matter was not. Another anomaly and difficulty in reference to this article was this—there was no authority in the Crown to make exemptions from an Excise duty imposed by Parliament, yet successive Governments had taken upon themselves the responsibility of declaring that certain classes of traders should be exempt from the operation of the paper duty. The practice was most improper and unconstitutional, and ought to be put an end to. If hon. Gentlemen opposite would show any other tax subject to the same difficulties of interpretation they would be entitled to put such a tax in competition with the present for remission. The mere amount was enough to startle the House. The duty on paper amounted to £14 14*s.* per ton on a commodity which could be made from a raw material costing not more than £4 4*s.* a ton. Was not that a monstrous and repressive tax? Monstrous as this was he believed it was small compared with the difficulties arising from the interference of the Excise. The manufacture was carried on under all sorts of restrictions and penalties. The manufacturer had first to go to the Excise, to register himself, and to pay a tax. He then came under the surveillance of the Excise, and was exposed to the most vexatious regulations and penalties, the latter ranging from £50 to £200. A papermaker was, therefore, placed in a situation of jeopardy and restriction most unfavourable to the prosecution of his industry. The result was that those who took to the paper manufacture were limited in number; and there was, in fact, no competition between the general public and the persons who had established themselves in that business. Lord Monteagle, who at one period entertained different views on the subject of the paper duty from those he had lately expressed, was, when Chancellor of the Exchequer, so impressed with the injurious effects of that tax, that, though his Budget would not allow him to remit the whole, he took off a part, and entirely removed the Excise duty on stained paper, which amounted to five farthings a yard. The yard, which was manufactured for 1½*d.*, was sold with the duty for 4*d.*; but, when the duty was taken off, such an impulse was given to the development of that branch of industry, that the same stained paper sold for no more than 1*d.* a yard. Such was the history of a manufacture freed from the iron discipline of statutory regulations, and a similar result was now sought to be obtained in reference to the general manufacture of paper. There was positively no material existing in this country which was capable of being applied to so many useful purposes as fibre manufactured in the plastic form. It was well known that England with all its intelligence and mechanical skill could not bear comparison with Japan in reference to the manufacture of paper. In that country a waterproof coat made of paper might be purchased for a few pence, and almost every domestic article in Japan was made out of paper. These were facts which illustrated the condition of the manufacture when it was perfectly free, and proved that the paper duty was a most obnoxious duty, and should be the first selected for repeal. He needed not to repeat that all parties had assented to the abolition of the duty, and the proposal for its remission was as much due to the right hon. Member for Buckinghamshire as to the present Chancellor of the Exchequer. The right hon. Gentleman was the first to give it the stamp of a practical measure, after it had been long mooted in that House, and the Chancellor of the Exchequer had taken it up at the point where it had been left by his predecessor—the repeal, therefore, as such could not be looked upon as a party measure. It was, however, in regard to the time and mode in which it was presented to the House that the matter became a party question; but he maintained that as the consideration of the Customs' duty on paper could not be separated from the Excise duties, it was right in dealing with those two matters also to introduce into one Bill all the proposed regulations relating to the Customs and Excise of the year. It had been represented that the Bill had been brought in not simply on its own merits, but as an insult to the House of Lords. He had just as sincere a respect for the House of Lords as the hon. Gentlemen on the Opposition side of the House, but he came to a different conclusion from theirs. Last year the Lords rejected the measure for the abolition of the Excise duty on paper, because they were not satisfied with the financial condition of the country, and because on the very day when the second reading came on a telegraphic message arrived in England representing that the China war must go on. Consequently, a considerable expenditure was necessitated beyond what had been provided for, and the noble Lord at the head of the Government fairly stated that the other House had only rejected the Bill to allow the House of Commons in the altered state of circumstances an opportunity of reconsidering the question. If that were a correct statement of the case, how could it be an affront to the House of Lords that the Commons had deliberately reconsidered the question, and had inserted a clause for the repeal of the paper duty in a Bill which imposed other taxation amply sufficient for the service of the year? It was contended that if the whole of the financial scheme were comprised in one Bill, the other House of Parliament would not be in a position duly to exercise their functions with respect to the proposals of the Chancellor of the Exchequer; but they had the same right to strike out the clause relating to the paper duty that they had to reject the Bill of last Session, and would, in doing so, be incurring precisely the same responsibility. In either event it was in the power of the House of Commons to take the course which it might deem proper for the vindication of its privileges; and if irreconcilable differences of opinion should, in dealing with the question, spring up between the two Houses, the Sovereign might dissolve Parliament and appeal to the country to settle the differences. To such a proceeding it was maintained on the part of the hon. Gentleman opposite that they would have no objection, inasmuch as the view which they took on the point at issue was the popular view, and one which, therefore, they would expect to find ratified at every hustings throughout the country. That being so, he could not understand why it was that they objected so strongly to a constitutional procedure which was susceptible of a constitutional solution. For his own part, he would look with no alarm to the result, for the people out of doors, he was satisfied, understood the question in dispute, notwithstanding the description which had been given of his constituents by the hon. Member for Dorsetshire (Mr. Ker Seymer); and if hon. Gentlemen opposite wished to retain for themselves that reputation with the people which they seemed anxious to acquire when they argued in favour of the repeal of the duty on tea—if they were desirous of reviving that popularity in the country which they once enjoyed under a great Conservative statesman in our time, and a still greater statesman in a former generation—he would advise them to apply themselves earnestly to a duty which they might perform, but which, he regretted to perceive, they were not disposed to discharge, and that was, to endeavour to induce the Government to cut down the expenditure of the country, and by so doing truly and properly alleviate the burdens which pressed on the shoulders of the community.

Sir JOHN RAMSDEN said, that if he understood aright the argument which had been addressed to the Committee by the hon. Gentleman who had just spoken, it amounted to maintaining that the chief reason to be advanced in support of the repeal of the paper duty was, that it was a burden which nobody felt. He could, he should confess, attach no other meaning to the statement of the hon. Gentleman that the test of a perfect tax was that it should not be withdrawn from popular knowledge. But, be that as it might, there was one remark made by the hon. Gentleman—that in which he announced it to be his intention to vote on the question at issue simply on its merits—in which he entirely concurred. In that respect he should be prepared to follow the hon. Gentleman's example. He last year voted against the repeal of the paper duty for two reasons—first, because in the position in which the revenue of the country then stood, he was of opinion that the tax could not be spared; and, secondly, because if any tax was at the time to be remitted, he thought the addition to the income tax and the war duties which pressed on the comforts of the poor were burdens which ought, in preference to the paper duty, to be removed. The opinion on which he acted last year he this year retained; and he was prepared to follow the same course. But in the present case a new issue—the expediency of repealing the war duties on tea—was raised, and for the purpose of that issue the denial of the existence of a surplus, if not expressly withdrawn by the leaders of the Opposition was at all events waived; and on that new issue the House had been called upon to vote. They were now told that every one who voted for the reduction of the tea duties had admitted the existence of such a surplus as would justify the abandonment of the revenue that was derived from paper. He, however, disputed both these propositions. He maintained that, in the form in which that issue was raised, and only the choice of two alternatives forced upon them, it was quite open to any man to vote for a reduction of the tea duty, which was not a final and irrevocable abandonment of revenue; and which, according to Sir Robert Peel's principle, by increasing consumption, might increase the revenue and even turn a deficit into a surplus, and yet oppose the repeal of the excise on paper, which would be an entire and irrevocable loss to the Exchequer. The revenue derived from tea was almost stationary, notwithstanding the increase of population—the consumption was checked by the high duty—moreover, it was a war duty, to the repeal of which that House was pledged; and the benefit of that repeal would be felt by every one of the operative class, and the advantage to them would react in a corresponding gain to the Exchequer. On the other hand, the revenue we derived from the Excise on paper was flourishing and increasing. That it was easily collected and that it was inoppressive had been frequently proved by an admission made in the course of these debates, that the papermakers, who were the persons most annoyed by the Excise, were not the persons who were the most anxious for its repeal. On these grounds he justified his vote for the reduction of the tea duty. He did not think there was, or could be, the surplus estimated by the Chancellor of the Exchequer. For how, let him ask the House, was that surplus obtained? We had this year a new definition of a surplus such as he had never heard before. Heretofore a surplus had been money in hand, actually touched or seen, safe in actual receipts, in the pocket, or in the bank, or in some other form equally tangible and secure. He ventured to say that it was unprecedented in the financial history of this country for a Chancellor of the Exchequer to close the year with a deficit of more than £2,500,000, and then proceed to make arrangements to remit taxes on the faith of a surplus which was not even on paper—verified by facts or by accounts—but which was a surplus purely built on speculation, on new calculations, and hopes, and conjectures, every one of which was as liable to prove fallacious as the schemes of any speculator on the Stock Exchange. The process by which this surplus was obtained was very arbitrary, and he was afraid it might turn out to be very illusory. There were six great branches of revenue which in the last year had produced a certain sum. On each of these the Chancellor of the Exchequer calculated there would be in the coming year a certain increase. Take, for instance, the revenue derived from Customs. In the past year the Customs yielded £23,305,000; in the coming year they were estimated to produce £23,585,000, showing an estimated increase of £280,000. So with the other five items. The total amount of estimated increase on these six branches of revenue, after deducting one item of decrease under the head of Miscellaneous Receipts, amounted to more than £750,000. But on what assumption was this calculation based? It could be only on one—namely, that the coming year would be a better year for trade, and that the harvest would be more abundant than the last. Were both these events so certain—were they even now so very probable? Yet these, coupled with the very questionable receipt of the indemnity from China, constituted the surplus which the House was now asked to give away. A merchant might freight a vessel to foreign ports calculating on certain profits, but he would not spend them before they were realized; or a gentleman might buy railway stock anticipating an increased dividend at the close of the year, but he would not give it away before he had received it. Yet that was precisely what they were now doing. They assumed a speculative surplus, and then proceeded to give it away. Where did this surplus exist? In the visions of the Chancellor of the Exchequer. If that was what Parliament was hereafter to accept as the definition of a surplus, it was obvious that the financial condition of the country must very much depend on the temperament of the Finance Minister for the time being. If he should be of a sanguine disposition, everything would go well. They would would be sure of a surplus, and might remit taxes. If, on the other hand, he should be of a desponding turn of mind, they must apprehend a deficiency, and proceed to lay on increased taxation. In the course of these debates the House had been more than once invited to observe the great change of circumstances which had taken place since the Budget was introduced—the rapid march of events on the other side of the Atlantic, and the gloom which was thickening every day over our commercial prospects. Our relations with America had become so intimate as to be those of mutual dependence, and it was absolutely impossible for American trade to be paralyzed without the most serious consequences to England. These consequences, he was afraid, were already falling heavily upon us. The prospect of a short supply of cotton was already most alarming. No one could tell what six months hence the state of our manufacturing population might be. But this at least all those who were connected with those districts already knew, and he grieved to say that too much evidence of it had reached him—that the possibility of diminished employment, and consequently of diminished consumption, was already sufficiently apparent and acknowledged to have extinguished the prospect of the small surplus on which they had counted, and to make a prudent Chancellor of the Exchequer reconsider his position. Six weeks ago, when the Budget was introduced, affairs in America were threatening; but then we all hoped for the best. Now those dangers had broken out into calamitous events, and we must prepare for the worst. A Budget that was made for fine weather must necessarily be rent in pieces by the storm; and it was no reproach to the Chancellor of the Exchequer that it was so. It would be no humiliation to admit that he had been a second time beaten by events he could not control. And while, if he persisted in his proposals he would be acting in the teeth of the real opinion both of that House and of the country, and exposing himself to the charge not merely of imprudence, but of rash and wilful imprudence; and, unless every probability was falsified, incurring future condemnation and reproach; he could, on the other hand, in the new circumstances which had come upon them, yet retreat with dignity and honour, and among all reasonable men at least gain both popularity and respect by so doing. But that was not the only warning which might be drawn from events passing in America. We were now witnessing the bursting of that great Republican bubble which had been so often held up to us as the model on which to recast our own English Constitution; and the first and great truth which these events ought to impress upon any English Minister or statesman was the duty of observing, of studying, and of strengthening, that which had hitherto constituted the great distinction between the safe and rational, and tempered liberties of England, and the wild and unreflecting excesses of mob-rule which had too often desecrated freedom and outraged humanity in America. The House of Commons, to which they were all proud to belong, and whose privileges it was their duty to uphold, did not derive its strength, its value, or its greatness from any inherent power of its own, but rather from its association in dignity and in functions with those other great authorities of the State with which it was so identified in character, in interests, and in responsibility that nothing could impair the greatness or honour of the one—be it of the Commons—be it of the Peerage—be it of the Crown, without detriment to all the three. Each of these great Estates, therefore, was bound to regard the dignity and integrity of the others, as inseparable from its own.

Into the second question raised—the constitutional question—on which exception had been taken to the form of the present Bill, he would not then presume to enter, except to say this much, that he was quite ready to admit, for the sake of argument, that it might be a great improvement in their practice in future years to combine the whole of the financial measures for the year in one Bill. He would assume that that had been proved. He would also, for the sake of argument, assume, what of course the Government anticipated, that the repeal of the paper duty would pass the House of Commons. Then would remain the question, how they could best combine the double object of carrying the repeal of the paper duty in the Lords, and embodying in future years the whole of the financial scheme of the Commons in one Bill. In his opinion the safest, and certainly the most dignified course, for the House of Commons to pursue would be to confine itself on this occasion to precisely the same course as it adopted last year. They might say to the Lords,—"You rejected our Paper Duty Bill last year; and we cannot deny that the country approved what you did, because, financially, you proved to be right; but that occurrence has convinced us of the necessity of avoiding all danger of future collision—by combining our finance in one Bill. We might do this on the present occasion, but we refrain from making the change this year, because our motives might be misinterpreted. It might seem a discourteous attempt to coerce the Lords into what they refused last year; or it might be attributed to resentment. We would avoid all such unjust and degrading imputations. We prefer, therefore, to send up the Bill to you in its old form this year, reserving to ourselves the right to adopt the new practice next year, when the object can be achieved without our motives being misinterpreted." That would, at any rate, be a smooth and safe course; it would avoid all unpleasant recurrence of the past, and all ungracious distrust as to the future. It could cause no heat, no jealousy, no disturbance; the differences that had divided this House on this subject would be forgotten; and the country—that was in perfect good humour with the House of Lords, and did not desire a quarrel to be stirred up—would view with satisfaction the harmonious co-operation of the two Houses in a measure that had at length met with general acquiescence. That would be, indeed, what an hon. Gentleman in an earlier debate described as an "olive branch" offered to the House of Lords. But what they were now doing might rather be interpreted as a challenge. Was that wise, was it necessary? All resolved itself into a question of time; what they might do safely next year, they were going out of their way to do ungraciously and unsafely now. Many would condemn their conduct as ill-advised, some as a petulant, some as an arrogant proceeding. Public opinion neither supplied the motive, nor acknowledged the necessity. If the Lords submitted it would impose on them humiliation; if they resisted it would provoke a conflict. And he thought that that Minister would be a friend neither to his country nor to the Constitution who went out of his way needlessly and wantonly to compel the House of Peers to choose between two such alternatives. For these reasons, he shall feel it his duty to give his best support to the Amendment—first, because this renewed attempt to repeal the paper duty on the faith of a surplus that events might prove to be as artificial and illusory as that of last year, was most unfair to the country which must soon be called on to make good the deficiency by an increase in the income tax; and, further, he supported the Amendment, because the time chosen to make this change in their form of legislation connected it so unmistakeably with the proceedings of last year as to impart to it a petty and resentful character that was alike ill-advised and unworthy of the House of Commons; that must prove embarrassing to the House of Lords; and, could not, he was certain, be agreeable to the country.

Sir ROBERT PEEL: Sir, as this issue has been raised to-night, and though, as the hon. Baronet opposite (Sir John Walsh) said, I am not aware whether "the pear is ripe" or not; still, considering the question in a fair and honest spirit, and not having given any vote on it this year, I will, with the permission of the House, offer a few observations on it. In considering this question I wish to explain, if

I do vote, how I qualify it; or, if I do not vote, to state my reasons for not giving it. I am not at all surprised at this prolonged discussion. An hon. Gentleman who spoke from these benches said that after ten nights of discussion—perhaps more—he thought the House had had enough of it, and the Prime Minister himself said the other night he was really quite surprised that this discussion should be continued, that he understood it was not intended to dispute that part of the Budget connected with the income tax; that it was not intended to revive the subject of the tea duty; and that there was no intention of objecting to a repeal of the paper duty; he said he considered these matters as disposed of and decided, and that on the Resolutions of the House the duties had been levied as matters of course. I am really surprised to see the noble Lord so much deceived as to the state of affairs. I know, and the House knows, that the noble Lord has often availed himself of the kind assistance of the Opposition, to stem and curb the exuberant spirit of his own impolitic partizans; and I hope, under similar circumstances, he will never appeal in vain to the generous sympathies of his political opponents. But I had yet to learn that the Prime Minister had been authorized to make on the part of Her Majesty's Opposition such an unqualified statement as that, and he must have been misled as to the opinion of the House when he tries to check discussion upon this question—a more important one to the interests of all classes could not be brought forward. It is not our fault if, after Whitsuntide, and close on the month of June, we are still discussing this question. We might have had this discussion much earlier if the Chancellor of the Exchequer had desired it. I, therefore, think the noble Lord was accidentally led into an error when he said all discussion had practically closed, for we are now only on the second reading, and then have to come all the Resolutions *seriatim* in Committee. But I should not, perhaps, have risen to speak on the question to-night had it not been for a statement made on a former night by the noble Lord the Member for the City of London, who said—and his words are worthy of being mentioned — he believed this discussion was carried on merely for the purpose of injuring the political reputation of the Chancellor of the Exchequer. A more unfounded observation never came from the noble Lord, though we know his habit of making use of these claptraps occasionally, for the purpose of gaining "political capital." I, for one, in discussing the question now, have not the least idea of throwing any slur on the political character of the Chancellor of the Exchequer. I wish to discuss the subject like any other independent Member of the House, and I believe the right hon. Gentleman is quite capable of defending himself, his political character and measures, without requiring to be beplastered with the hollow praise of the noble Lord. If I thought the discussion was carried on on the ground the noble Lord supposed; if I thought the poisoned arrow of personal malice was directed against the right hon. Gentleman, I, for one, would forego my right of criticism, and would take my stand by him to the last. Like the hon. Baronet who has just sat down, I do not intend to enter on the constitutional part of the question. Thank God! we have got rid of that, and got to the practical part of the subject—the part that affects the interests of the people and the country. The Constitutional point has been most ably treated by hon. Gentlemen competent to do it; among others by my right hon. Friend, whom I was happy to hear addressing the House with so much vigour—the veteran Conservative of Carlisle. He treated that point in such an able manner that I cannot understand how any one can entertain any doubt on the constitutional part of the subject. He said that, looking carefully and impartially at the precedents, his opinion was decided that the Lords had a constitutional right to take the course they adopted, and that in rejecting the Paper Duty Bill they exercised a right inherent in them and which cannot be denied. I thoroughly concur with that opinion. And I should say, that any one who does not admit that the Lords were perfectly right in the course they adopted last year must be very hard to satisfy by any force of argument. But we will let all that go by. Allusion has been made to the time of Henry IV. The hon. and learned Member for Plymouth (Mr. Collier) who agreed that this was an important constitutional question even talked about 600 years ago, for he said that with regard to the act complained of, the Commons had not used their right for thirty years, while against the House of Lords the usage of some 600 years might be alleged. I should have thought it impossible to bring forward precedents dating from that early period of history, or, at all events, I should have thought that precedents then were as much in favour of the Lords as against them. But, instead of examining into precedents of so very long ago, let us consider that point as settled, and treat this question as it bears upon the interests of the people in 1861. I know that among some hon. Gentlemen on this side of the House it is an unpopular thing to consider the interests of the middle and the lower together with those of the upper classes. The hon. Member for Birmingham has over and over again said he conceives that the interests of the lower classes are best consulted by raising them up in antagonism to the middle and upper classes. I think, on the contrary, that all classes should be considered, whether financially or politically, as one complete entirety, and that in adjusting our taxation the interests of all classes should be equally considered—that there should be nothing like class legislation in administering the affairs of the country. With the permission of the House it would be perfectly competent for me to enter into a full discussion of the Budget of my right hon. Friend. The noble Lord the Member for London talked about bricks, and soap, and glass, and it would be perfectly fair for me to enter into all those subjects. I will not, however, deal with any of these subjects now, but will merely express, as many others have expressed before me, my admiration at the facility and ability with which my right hon. Friend embellished his financial statement some months ago. We recollect how he glossed over the deficiencies, the ornamentation with which he embossed his surplus, and the hopeful expectation with which he encrusted the future. We know that he had a difficult task to perform. There was, he admits, a deficit last year of £822,000; whereas now, with only a reduction of £1,000,000 in the Army and Navy Estimates, the Chancellor of the Exchequer says there is a surplus for the present financial year of £1,900,000. I confess that I do not see how he disposes of the deficit of £822,000; because, if you deduct that old deficit from the surplus of the present year, instead of £1,900,000, you have only £1,100,000, so that in reducing the income tax and in remitting the paper duty, if you do not get the indemnity from China, you are in a deficit of more than £300,000 instead of having a surplus of £410,000. Then the Chancellor of the Exchequer finished by deprecating unnecessary expenditure and by lauding retrenchment, admitting, at the same time, that in the course of a few years the expenses of the country have increased something like £20,000,000. Nevertheless, the right hon. Gentleman looked hopefully to the future. His opinion on this point was so very clear that he sneered at the hon. Member for Huntingdom (Mr. T. Baring) for venturing to entertain dark forebodings with regard to the state of Europe. The hon. Gentleman below me (Mr. Bright) also expressed his surprise that a man should look with such dread at the aspect of foreign affairs. But I must say I agree with the hon. Baronet who has just sat down (Sir John Ramsden) in thinking that nothing can well be darker or more dangerous than the present state of Europe; and, as this has an important bearing upon the finances of the country, I think the Government and the Chancellor of the Exchequer should have considered the subject in a different spirit from what they have done. The hon. Member for Birmingham (Mr. Bright) said that people used very desponding language, and raised up

> "Gorgons, hydras, and chimæras dire."

I do not know whether he has ever read a play of Shakspeare called *Timon of Athens*. This Timon, who was a very expensive man, had a Chancellor of the Exchequer, named Flavius, whom he asked to supply the ways and means for his extravagant expenditure. What was the answer of Flavius? He had not the abundant eloquence of the right hon. Gentleman, but he said in plain, simple language—

> "What will this come to?
> He commands us to provide, and give great gifts,
> And all out of an empty coffer."

Now, I do not know whether the coffers of the State be empty, but I do say that to make the year's surplus dependent upon the receipt of money from China is a state things of which I, for one, cannot entirely approve. When the Chancellor of the Exchequer showed us that there existed a surplus, I admit that, as I had entertertained apprehensions of so different a character, I listened with unqualified satisfaction; but I was surprised to find that other Gentlemen who had considered this subject should have arrived at conclusions differing entirely from those of the right hon. Gentleman. Nevertheless, when he told us that there was an estimated surplus of income over expenditure, and that we might look forward to a considerable balance in hand, together with a reduction of taxes, I was satisfied until the right hon. Gentleman came to the subject of paper. Now, I must say that I was sorry to see this prospect of a renewed contest, because my noble Friend (Viscount Palmerston) had distinctly stated to a deputation which waited upon him a short time ago, that he could hold out no expectations whatever of the remission of the paper duty. Calling to mind, also, the Resolutions passed last year by this House, entirely approving the policy of the Lords, I say it is a slur upon my noble Friend to re-open this subject so soon after last year, and, if handled at all, it certainly requires to be handled with most extreme caution, circumspection, and conciliation. I do not think that has been done here. What are we now discussing? Not whether there is or is not a surplus of revenue over expenditure, but whether it is desirable to remit a tax affecting the interests of a limited industry at the expense of the general public—whether it is desirable to remit the Excise duty on paper and the Customs' duty also levied thereon, and for that purpose to increase the burdens pressing upon the great body of the taxpayers of this country. It is, in fact, almost a question between direct and indirect taxation. The noble Lord made the other night a remarkable statement. In eighteen years, he said, we have increased the indirect taxation of the country from £33,000,000 to £40,000,000; and, he added, "Does that look as though we were destroying all our revenue from indirect taxation?" Now, it has never been urged that you are endeavouring to destroy all your revenue from indirect taxation. What is said is that you are resorting to direct taxation as one of the principal means for raising the revenue of the country, in spite of the strong disinclination of the great bulk of the people to the payment of direct taxes, instead of having adequate recourse to taxes whose burdens fall indirectly upon the people, and the incidents of which are equal and impartial; no doubt direct taxes fall principally on the wealthier classes, but pressed to an inconsiderate increase, they react with injury to the other classes; and, therefore, in the interest of all classes this remission of taxation should be most maturely considered. It may be true that in eighteen years indirect taxation has increased by £7,000,000, but how has the expenditure of the country increased meanwhile? In 1843-4 our estimated expenditure was £49,387,000, but in 1861-2 it is £70,000,000:—so that in these eighteen years the expenditure of the country has increased £20,000,000, whereas the indirect taxation has only increased £7,000,000. It is singular enough that eighteen years ago in 1843 there was an indemnity from China for the ransom of Canton, amounting to £725,000; but the then Chancellor of the Exchequer said, "I will, it is true, accept this indemnity, but I will take care to keep in hand enough to counterbalance that sum if it should not be received." The then Chancellor of the Exchequer estimated the national expenditure at £49,387,000, whereas he made the revenue £50,150,000, so that he retained a balance of £763,000 to meet any contingencies which might arise, and he certainly did not make his surplus depend upon the receipt of the Chinese indemnity. Now, if there was one hon. Gentleman in this House whose opinion on such a subject should be entitled to respect, it was a right hon. Gentleman who, sitting on the Treasury bench, might be supposed thoroughly conversant with the actual state of affairs when he gave his opinion in favour of the measure. I allude to the President of the Board of Trade—the Milner Gibson of 1853. He is a man who has always advocated the repeal of what he calls the taxes on knowledge, and a more fallacious mode of describing this tax could not be conceived. He says that it obstructs literature, impedes commerce, injures the revenue, and harasses industry. Will the right hon. Gentleman say that the education of the country has been held back by the Excise and Customs' duties on paper? Will he dare to say that we who oppose this reduction of taxation on the article of paper went to impede the progress of the people in intelligence, in morality or self-Government, or have less at heart that he, their real wants and interests? Within a very short time the grant for education has more than doubled, and so small are the taxes paid by cheap literature, independent of newspapers, that of half a million the Government spends in aid of education not £20,000 is spent in books, and, therefore, the Committee will readily understand the small amount that goes on paper duties. I will admit that there is a hardship on the authors and publishers of books. It is well known that not half of the books published pay the cost of publication; but ask in Paternoster Row whether these "taxes on knowledge" have at all curbed the *furor scribendi,* or have in any way affected the modesty or the confidence of authors? So much claptrap has been talked about these taxes on knowledge that if the Committee will spare me a few minutes I should like to point out one or two circumstances which show the fallacy of the arguments used. One great argument which has been used to-night is, that you do not know what paper is. And it is a fact that for out of six of the Government Commissioners of Inland Revenue wrote an elaborate report to proclaim their ignorance or stupidity in the matter, and added that if the paper duty is maintained an Act of Parliament must be passed to define what is paper. The hon. Member for the Tower Hamlets told us that in these days it is impossible to define what paper is. He talked about fibrous—I really cannot recollect exactly what he said—but he went into a series of mechanical descriptions, which, no doubt, were perfectly accurate; but I can only refer to Dr. Johnson, who gives a definition of paper which, until some new dictionary is written, must stand good. "Paper," says Johnson, "is a substance on which men write and print, made by macerating linen rags in water, and then grinding them to pulp, and spreading them in sheets." The duty on paper enters very slightly into the price of a book. It is at present, as hon. Members know, 1½*d.* per lb., which comes to about 3*d.* on an 18*s.* volume. On two volumes of Lord Macaulay's *History*, which cost 36*s.*, it would be 6*d.* The paper duty seldom forms more than one twenty-fourth part of the price of the cheapest work, and not one fiftieth of the price of the dearer books. If you repeal the paper duty to-night, a 1*s.* book will never cost less than 11½*d.*, nor a 20*s.* book less than 19*s.* 6*d.* These are facts, and I should like to hear any one get up and deny them—particularly the President of the Board of Trade, The noble Lord the Member for London talked about the "hobgoblin of the penny press." The penny press, I presume, is as respectable as the press of a higher price; but no one will make me believe that the penny press pays except as a speculation for advertisements. It is sold to the trade for ¾*d.*, and it is quite evident that it never can be made and never will be made to pay at the price, except as a speculation for the purpose of advertisements. In 1853 Milner Gibson, the President of the Board of Trade—I must call him the historic Milner Gibson—brought forward Resolutions for the remission of the paper duty, and he said to the Chancellor of the Exchequer—

> "You are only making use of the stock arguments of the Chancellor of the Exchequer; but I will tell you what it is—the man who is debarred of his penny paper is as badly off as the slave in the Southern States of America."

He was answered by the Chancellor of the Exchequer of the day—Mr. Gladstone—who said—

> "As steward of the public revenue and guardian of the public credit, upon an impartial consideration, I prefer the claims of all interests to the economy of a particular reduction;"

And he went on to say—

> "I deprecate the dangerous practice of flattering the passions, as the acute, but mischievous Member for Manchester is now doing, by endeavouring to induce the House to pass these Resolutions for the repeal of the paper duty."

But the right hon. Gentleman on this occasion has been supported by the Prime Minister who tells us that, upon the whole, he thinks it would be better to apply the surplus to the remission of the paper duty, but he spoke in such terms of faint praise that I was almost inclined to believe that he half mistrusted himself. Under ordinary circumstances the House would probably be very much inclined to adopt a measure supported by him and backed by the ability of the Chancellor of the Exchequer; but we are now deliberating under extraordinary circumstances. Say what we will, there is a feeling of uneasiness abroad, both in military circles and in the public mind generally. I do not speak, like the hon. Member for Birmingham, of "Gorgons, or hydras," or things I never saw, but of what we all know and can perceive. There is a feeling of uneasiness on the Continent of Europe—our national security no longer depends on the character of our councils or our diplomatic prestige. We are not only spending enormous sums on our army and navy, but we are positively impoverishing the country by a vast warlike expenditure at a moment when we are assured by the Government that we are on terms of perfect amity and friendship with all the nations of the world. More than that, we are engaged on a system of fortifications the rough estimate for which is £11,000,000, but which if completed will cost many millions more, and which if not completed thoroughly will be absolutely useless. For these reasons I am inclined to question the conclusions arrived at by the Chancellor of the Exchequer. I hope the House will not be led away with the idea that this is a question of free trade in the ordinary acceptation of the term. Of course, I never would give a vote which could even by implication contravene that policy which was inaugurated in 1841, carried onward in 1846, and has since been universally adopted. This is not a question of free trade in the ordinary acceptation of the term, but it is a question of whether we are prepared to remit a permanent and imposing income of £1,300,000 in favour of a limited interest without those corresponding advantages which would appear to justify such a sacrifice of revenue. I am ready to admit that if the state of Europe permitted it I should be perfectly ready to consider a remission of taxation in a fair, liberal, and popular spirit; but to put on an 8*d.* income tax and then add another 1*d.* to it, making it 9*d*,. in order to counterbalance a deficiency of income caused by the reduction of taxation in the article of paper is a thing I never could approve. The hon. Baronet who spoke last bade us consider how the different interests of the country are threatened at the present moment. The industry of Lancashire is threatened owing to the aspect of affairs in the Southern Confederacy of North America the prospect of the supply of the raw material of one of our staple industries is disturbed. You have disputes and strikes at Burslem and Wolverhampton ; you have suffering in the coal trade, and suffering in the iron trade; and is this a moment to make these reductions of taxation without any corresponding advantage? Look abroad, and wherever you turn your glance the horizon is dark and forbidding, and I ask the House and the country is this a moment to indulge in these speculative arrangements of the finance? Look at France in the occupation of Syria against the wish of England, in the occupation of Rome against the wish of Italy, in the occupation of the southern slopes of the Alps, not only against the wishes of Europe but to the infringement of treaties. Look at Spain—slaveholding bucaneering persecuting Spain—which has just seized hold of a part of the Island of St. Domingo at the instigation of France. Look at Hungary and Poland. Wherever you look you find a state of affairs which should make any Minister pause before he ventures on hazardous speculations in finance. Often has the Chancellor of the Exchequer taunted this House with reckless expenditure; but if we were ever open to that charge surely this is the time when—this is the place where—we should show that we know how to husband our resources and to preserve that immense wealth which Providence has placed within our grasp, in order to be ready to meet the eventualities which may any day imperil the trade and the commercial interests of the country. It has been said that this impost is a diminishing tax, and therefore we may remit it. I maintain the contrary—that in the years 1859, 1860, and 1861 it has been rapidly increasing. In 1859 the net produce was £1,142,000, in 1860 £1,291,000, and in 1861 £1,305,000. If you repeal this productive tax you cannot reimpose it, and I believe that you are repealing a tax which presses less upon the people than almost any other tax which you can mention. It certainly is very little injurious to manufactures. It is easily collected, and it is increasing in amount. These reasons will induce me to go into the lobby with the Opposition and to vote against this measure. There is one right hon. Friend of mine who spoke last year whose opinions I adopt, and whom I expect to see rise this year to urge the same sentiments. I shall go into the same lobby with him, unless he contravenes the opinions which he then stated, I mean the right hon. Gentleman the Member for Coventry. My right hon. Friend has not spoken on this question this year; but, taking the words which he used last year to represent his present views, he is bound to vote the same way as I do. The right hon. Member for Coventry said last year that he thought it would be better to wait for a more favourable opportunity than to repeal a tax and raise a large deficit which might render it necessary to impose other taxes to meet sudden emergencies and unforeseen expenditure. That was a wise expression of opinion on the part of my right hon. Friend, and until I hear him get up and state reasons which have induced him to change that opinion, I must believe that he will vote on this occasion with the Opposition. An hon. Gentleman opposite in a discursive speech alluded to the Volunteers. I am not going to make myself the apologist for the Volunteers; but we understand they are coming to this House for a Vote of money. What a capital opportunity to keep on the paper duty, in order to gratify them with £2 or £3 a head, for which we should have the money in hand! I regret very much that I am induced by these reasons to take the course which I am about to take, but I think it more honourable and more straightforward than not to vote at all. I am inclined to support the Amendment of the hon. Gentleman, the more so that I think we are unnecessarily dragging this House into a quarrel with the other House—not for the benefit of the country generally, but for the benefit of a set of persons who will reap nearly nine-tenths of the advantage which will be derived from a remission of this taxation. We have heard of all kinds of abuse heaped on the House of Lords. ["Hear!"] I know the House is impatient. At the same time I am anxious to qualify the vote which I am about to give. I say that last year, quite against my wish, the House of Lords were grossly abused for their conduct in this matter. They were told that they were unpatriotic, that they were selfish, that they had not the interest of the public at heart. We must feel, and most of the working classes do feel, that it was said by men who only endeavour to keep up delusions that they themselves may thrive upon the discontent they may scatter abroad. I, for one, would have no part or parcel in that matter. I supported the Resolution of the noble Lord last year. I thought it wise, I thought it judicious. But I think the conduct of the Chancellor of the Exchequer is not what I should have desired. I have been several years in this House. I have always given to my noble Friend the Prime Minister a cordial and warm support. Such has been my confidence in his ability justly to interpret the sense of the country and the drift of public opinion that I can safely say that on every occasion, save one, I have given my noble Friend my most cordial and hearty support. Indeed I may go further, and as frequently happens in this House with subordinates towards their chief, and with them bound together by the ties of political allliance, I have entertained the warmest personal respect and affection for the noble Lord, and nothing but a stern sense of duty and a deep-rooted conviction that I was right would ever induce me to give a vote which could be considered in opposition to the sentiments which he advocated, and which he deemed necessary for the interests of the country. Again, I may say with regard to the Chancellor of the Exchequer that no man entertains a higher opinion of his personal character and brilliant political abilities; and it is with extreme caution, with extreme hesitation, and with many doubts that I place my humble judgment in opposition to opinions which he has emphatically advocated. But, as an independent Member, I have no alternative. We are here to serve the public good and the interests of the country to the best of our ability. In great political discussions I place considerations of that character above any other; and, therefore, it is that I am induced, though with great pain and reluctance, nevertheless, from a conviction of the rectitude of the principles which influence me, to decline to give my vote in support of the measure of Her Majesty's Government and the Chancellor of the Exchequer, believing the repeal of the paper duty to be neither wise, expedient, nor politic in a financial point of view, nor just nor equitable to the great body of taxpayers in this country.

Mr. MELLOR moved that the Chairman report Progress.

Loud cries for a Division arising—

Mr. DISRAELI said, it appears to me that if ever there was a night this is the night when we might come to a decision. But as far as I am concerned I am unwilling to be an obstacle to free discussion. I trust, however, that if this adjournment is sanctioned by Her Majesty's Government, we shall hear no more reproaches from that quarter of placing obstacles to the progress of public business, or of encouraging discussions when there is really nothing on which discussion is necessary. We have now had the advantage of many nights' previous debate incidentally, and often directly upon this very question. The debate to-night has been conducted in a tone distinguished by its moderation, and it does appear to me that the House could with great convenience at once come to a decision. If the hon. Gentleman who has moved that you, Sir, report Progress wishes to address the House, I think I can answer for his receiving a patient hearing from a silent and admiring audience. If the only object of the adjournment is to hear his observations, we shall be most happy to consider them. It does appear to me that we might come to a decision upon this question to-night, but if the leader of the House has sanctioned or suggested the Motion of the hon. Gentleman, why then I have too much sympathy for free discussion to use any influence which I may possess to induce the House to come now to a decision. I trust, however, that from this moment we shall hear no more those frequent reproaches which have been very unjustly and very injudiciously urged by those who sit on the Treasury benches, when we have requested occasions to offer our opinions upon subjects of very great importance.

VISCOUNT **PALMERSTON**: I certainly do not object to the Motion of the hon. Gentleman, which I think has been very distinctly suggested by the silence of those Gentlemen who sit on the opposite benches. This, undoubtedly, is a subject of considerable importance, and one upon which there are many Members anxious to speak. The promise of the right hon. Gentleman that they shall be listened to with silent admiration, however encouraging at the moment, might not altogether be made good, if it were tested. I, therefore, cordially agree to the adjournment of the debate. I will not undertake so largely as the right hon. Gentleman wishes to abstain in future from any remarks upon future attempts to procrastinate debates; but, no doubt, the same attempts will not be displayed, and there will be no occasion to make the objection.

MR. **BENTINCK** asked, until what day the debate would stand adjourned?

VISCOUNT **PALMERSTON**:—We shall put it for Thursday.

House *resumed.*

Committee report Progress; to sit again on *Thursday.*

House adjourned at half-after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, May 28, 1861.

MINUTES.] PUBLIC BILLS.—1ª Government of the Navy; Tramways (Scotland).

2ª New Provinces (New Zealand); Combination of Parishes Dissolution (Scotland).

3ª Offences in Territories near Sierra Leone Prevention.

CULTIVATION OF COTTON IN THE COLONIES.—OBSERVATIONS.

LORD **BROUGHAM** said, that seeing the noble Duke the Colonial Minister in his place, he wished to call his attention to a matter which, in his opinion, was at the present moment one of the greatest possible importance; he referred to the growth of cotton in our various Colonial possessions. He would abstain from alluding to one part of the subject, because it would lead him, however unwilling, to make some observations on that very lamentable state of things existing in the United States of America, and which filled him and all friends of peace and freedom with sorrow; but he considered it had become absolutely essential, independently of those events in America, that Her Majesty's Government should promote by every means in their power the growth of this great staple; and he would urge upon his noble Friend the importance of losing no time in recommending the different Colonial Governments to encourage by all means in their power the growth of cotton in the districts under their control. He had received from Jamaica samples of cotton which had been submitted to persons of known skill in this country, who had pronounced them to be the finest sorts they had seen, and they had fixed the price so high as to show that the cultivation of cotton in that island would be highly remunerative. They said that this cotton would in the market be worth 1*s.* per lb.; but even if it should not be worth more than 6*d.* per lb. its cultivation would be profitable, if, as he was informed, they could on one acre of land in Jamaica, at an expense of £8, grow 600 lbs. of cotton, that would produce £15. He had been furnished with all the items relating both to the cultivation of cotton and to the expenses attending it, and he found that all the expenses would not exceed £8 an acre. There could be no doubt whatever that, with due encouragement, cotton might be grown to an unlimited extent in our colonial possessions—not only in Africa, but in the East Indies; and he looked forward with confidence to the time when those countries would be capable of furnishing the supply necessary to this country. He wished to ask the noble Duke whether the Government proposed to hold out any encouragement to the growth of cotton in the British possessions?

THE DUKE OF **NEWCASTLE** would first remind his noble and learned Friend that he had not observed the usual custom of giving notice of his question; but as he was in a position to give an answer at once he had no objection to do so. He could assure his noble and learned Friend that the Government—not only the Colonial Department, but also the Indian Department—had not neglected the important question of the growth of cotton. But the real difficulty was not to find districts that were suited for that staple, but to find districts where there was an adequate supply of labour to allow it to be produced at a remunerative price. The noble and learned Lord, in alluding to Jamaica, said that that island was capable of producing large supplies of cotton. He (the Duke of Newcastle) was aware that in Jamaica there was land capable of producing the finest qualities of cotton; but he was by no means clear that it could produce those large supplies that his noble and learned Friend suggested. His noble and learned Friend asked whether the Government proposed to offer any encouragement for the growth of cotton. If the noble and learned Lord meant anything in the shape of a bounty, then most undoubtedly they were not prepared to adopt any plan that would be so prejudicial to the object they had in view. If the noble and learned Lord's statements were accurate—but he feared they were not—if they were accurate, and cotton could be grown for £8 and sold for £15—100 per cent profit—surely that could be encouragement enough in itself. The Government considered that the best encouragement they could give would be by facilitating the introduction of Coolie labour into such of the British colonies as had land applicable to the growth of cotton; and with this view he had sought the sanction of the Indian Government to the removal of the restrictions now existing as to Coolie labour, and under new regulations Queensland would be able to participate in these advantages. When those restrictions were removed, and ample supplies of Coolie labour was introduced the various colonies would have the opportunity of trying the experiment of growing cotton.

Lord BROUGHAM entirely agreed that no encouragement of a pecuniary nature, and no forced encouragement of any kind should be given. Lord Canning's despatch on this subject laid down the true principles most soundly and discreetly; to encourage by increasing information, but above all to remove every possible obstruction, was all that Government either could or if it could, ought to do.

NEW PROVINCES (NEW ZEALAND) BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE DUKE OF NEWCASTLE, in moving the second reading of the New Provinces (New Zealand) Bill, briefly explained its object. When the constitution was conferred upon New Zealand by the Act passed in 1852, a provision was contained in it establishing certain provinces—Auckland, Canterbury, and others—and giving power to the General Assembly, the representative body of the whole colony, to divide them further into separate distinct provinces, if they should so think fit, by a reserved Bill—that is, a Bill reserved for the approval of the Crown. A subsequent Act was passed in 1857 by which many restrictions imposed on the General Assembly of New Zealand were removed; and it was intended to remove the restrictions on the character of the Bills by which a province might be divided. Permission was granted to constitute new provinces by a reserved Bill by the Act of 1852, and by that of 1857 it was intended to give power to constitute new provinces by an Act of an ordinary character. But in removing this restriction the Imperial Parliament made an unfortunate mistake in repealing the 69th Clause of the Constitution Act. This obviously not being the intention, the General Assembly of New Zealand three years ago did separate one of the provinces into two by an Act of the Colonial Legislature. No doubt was entertained at home as to the perfect validity of that Act; but some doubt arose in the colony, and on its being reported to him he took the opinion of the law officers of the Crown, who held that it was not competent to the Legislature of New Zealand to separate those two provinces, although such was the obvious intention of Parliament. Under these circumstances this Bill was introduced, with the double object of enabling the colony to divide the two provinces as originally intended and render that division valid, under the powers of the existing Act, and also to declare the validity of the Act for the future.

Moved, That the Bill be now read 2^a.

EARL GREY said, the Bill which the noble Duke had just explained to the House was one to which he presumed there would be no objection; but he could not allow it to be read a second time in the present critical and distracted state of New Zealand without expressing his surprise that a Bill of so insignificant a character should be the only measure with reference to that colony which Her Majesty's Government were prepared to submit to Parliament. Their Lordships knew from the papers on the table, and from more recent accounts in the public prints, that for more than a year war had raged in New Zealand. In that unhappy war fifty officers and men of the European force had been killed, and nearly 140 wounded; a vast amount of property had been destroyed; one settlement had been laid waste, and women and children had been compelled to take refuge in another part of the province. Already an enormous expense must have been incurred in remedying this state of things, which he feared would greatly derange the calculations of the Chancellor of the Exchequer as to any surplus at the end of the financial year. They were also aware that the Government had sent large reinforcements to New Zealand; but they were not as yet aware whether Government contemplated the adoption of any means but force alone to put an end to that war. He was far from objecting to the despatch of additional troops to New Zealand. On the contrary, whatever other measures might be required, no doubt could be entertained that these troops were necessary. But he was no less persuaded that this unhappy contest could not be brought to a satisfactory close by arms alone. There was no doubt that the military power of this country was more than sufficient to finish the war by the extermination of the native race; but that was an end of the contest to which he could not look forward without horror, a feeling which, he was sure, was shared by Her Majesty's Government and by every one of their Lordships. When they considered how these interesting natives of New Zealand, the Maoris, from having within a comparatively short time been plunged into the lowest superstitions of degraded barbarism, were now generally converted to Christianity, they could not look to the possible destruction of this interesting race by British arms without feeling that such a result would not only be a calamity, but a great disgrace to this country. Nor could such a result be brought about except at a fearful loss of blood to Europeans as well as to natives. The nature of the country was such that it presented great difficulties to the operations of regular troops, and great facilities to every kind of irregular warfare. Then there was the impossibility of adequately protecting the scattered dwellings and property of the settlers. When they considered all these things, they must admit that if the Maoris were driven to desperation by the manner in which the war was carried on, they might, before they perished, inflict almost as much suffering as they might have to endure. Therefore, he was of opinion that it was not enough for Her Majesty's Government to send additional troops to New Zealand; they ought to have attempted, by some conciliatory measures, to induce the natives to lay down their arms, and to support the effect of their armed interference by gaining the confidence of the people. If the assistance of Parliament was necessary to the success of such a measure, that assistance ought already to have been asked for. It was the more incumbent upon the Government to take this course, because this subject could not be carefully investigated without bringing any candid and dispassionate inquirer to the conclusion that the Maoris were not solely—perhaps not even principally—to blame for the present war. The war had been produced by errors in the past government of New Zealand—errors which, in one respect, it might not be too late to correct. It was impossible to prevent the evils which had already arisen from the war, but we ought not, at least, to persevere in a course which would make these calamities only the commencement of others of a still more serious character.

Their Lordships were aware that the war was begun by an attempt on the part of the Governor of New Zealand to take forcible possession of a piece of land, acquired from the natives by a purchase, the validity of which was disputed by one of the chiefs, supported by many of his countrymen. Much had been said and written upon the question whether, under the engagements contracted with the native races, and according to the rules hitherto observed, that purchase was valid and regular. He would not abuse the patience of their Lordships by entering into that argument, or by raising a discussion upon the usages and customs of barbarous tribes. It was sufficient for him to observe that the very weight of the authorities who were ranged on one side and on the other proved, at all events, that the question was one of much doubt and difficulty. There were very high authorities against the validity of the purchase made by the Governor. In the first place, there was the authority of the Bishop and the great majority of the missionaries in those Islands. An attempt had been made to lower their authority by saying that, while no man would presume to question the purity and sincerity of the convictions which had induced the Bishop of New Zealand and the missionaries to take so decided a part against the measures of the Government, still their habits were not such as to fit them for taking a clear and dispassionate view of the subject. If it were admitted that there was some force in this objection—which he disputed—it did not apply to others who had taken the same view of the question. The validity of the purchase was denied by Mr. Clarke, formerly Protector of the Aborigines, who, under Sir George Grey, had considerable experience in making purchases of land. It was denied by Mr. Fox, for many years the able and zealous agent of the New Zealand Company; it was denied by Mr. Swainson, formerly Attorney General in New Zealand, a gentleman of high character and extensive knowledge; and, above all, it was denied by Sir William Martin, formerly Chief Justice of New Zealand, who had acquired the highest reputation by the manner in which he filled that judicial station, and of whom the Governor himself only a short time ago, in writing on other matters, said that his knowledge and experienced caused him to be recognized as an undisputed authority upon all points affecting the Maories. Such were some of the authorities who might be quoted against the validity and regularity of the purchase. It was obvious, therefore, that the question was, to say the least, one of doubt; and he had no hesitation in expressing his opinion that if even a shadow of doubt rested upon the strict regularity of the purchase under the engagements we had contracted with the Maories, and according to the rules hitherto observed in such cases, both justice and policy required that the Government of New Zealand should abstain from making that purchase, and, above all, from asserting it by force. That was the course prescribed both by justice and by policy; because justice required that, when a right was contested, one of the claimants should not take upon himself to assume and to exercise that right by force until some fair means had been adopted for bringing it to a decision; and policy required that, when the Maories were known to be in an excited state—considering the extreme jealousy and sensitiveness they had always displayed upon questions relating to land —considering, also, the fearful calamities which a collision could not fail to bring on, especially when the colony was so unprepared for a native war—it ought to have been understood that no advantage which could possibly arise from the purchase of an insignificant plot of land could for one moment be put in competition with the dangers which would be incurred by making the purchase and taking possession of the land by force.

He had said that great excitement already prevailed among the Maories when this dispute arose. That excitement was so great that, in his opinion, the dispute with respect to land ought rather to be regarded as the occasion for the war breaking out than as its real and original cause. For that cause we must look further and deeper. The war was, in his opinion, solely to be attributed to our having for the last seven or eight years adopted in New Zealand a system of government which gave great offence to the Maories, and deprived the British authorities of the confidence and attachment with which they were formerly regarded. That policy was adopted, of course, in unfortunate forgetfulness of the wise advice given by Sir George Grey a few years ago, and contained in a despatch written on the subject of the Act for the establishment of representative government in New Zealand, passed in 1846. When that Act was passed Sir George Grey took upon himself the great responsibility of not bringing it into immediate execution, at the same time addressing a despatch to the Government at home in which he explained the dangers which would have arisen at that moment from an attempt to introduce it. He pointed out that the war was scarcely over; that both the natives and the settlers were in a state of great excitement; that by the proposed constitution the entire power over the revenue would be vested in the representatives of the settlers, while the natives were large contributors; that, in fact, it would be making one section, and that the smaller section, of the whole population, arbiters of the whole; that it would be giving the complete disposal both of the revenue and of other matters to the representatives of the European minority, excluding from all power and influence the native majority in the colony. He stated that the natives could not be expected to accede to such an arrangement, and he predicted that the result of an attempt to enforce it would be armed resistance. The arguments of Sir George Grey appeared so conclusive to the Government of that day that they had no hesitation in admitting the error which they had committed in passing the Act of 1846; and the result was that they obtained the ready assent of Parliament to a Bill for suspending the constitution which had been given to New Zealand. Subsequent events had shown how sound was the advice upon which they acted. Armed with the powers conferred by the Suspension Bill, and with the full support of the Government at home, Sir George Grey adopted a policy of which the principle was the firm maintenance of the authority of the Colonial Government, the suppression of everything like violence or disturbance, but at the same time the administration of justice to both races, and the display of kindness and consideration especially towards the Maories. He adopted severe measures to restrict the sale of arms and spirits to the natives; but, on the other hand, he multiplied schools and constructed roads, by which the Maories were enabled both to obtain access to markets for their produce and to receive the advantages of good wages and of an industrial training, and which, moreover, rendered large and important districts of the colony easily accessible to troops and artillery. The beneficial effect of those measures had been increased by the pains which Sir George Grey had taken to keep up communication with the natives, and to acquire their confidence and attachment. In making that attempt his efforts had been rewarded with success; but the policy on which he acted was, after all, said to be a very poor one, inasmuch as he did not trust to laws and measures which he had proposed and passed, the influence which he had acquired over the minds of the natives being purely of a personal character, so that when he departed that influence was likely to cease to exist. The objections thus made to the policy of Sir George Grey constituted, however, in his opinion, the very highest praise which he could receive. He was a Governor who was aware that men were not to be ruled by mere laws, but rather—and the observation applied especially to the case of a barbarous people—by attaching their minds. The effect of the wisest laws and the best institutions could, he knew, only be gradual, while upon a generous and high-minded race a great impression might speedily be made by convincing them that their welfare was the object of the Government. To imbue them with that confidence was the highest triumph of the policy of an able and energetic ruler. Nor was that triumph in the case of Sir George Grey purchased by any dangerous or improper concession. On the contrary, if there were one law which was to be regarded as more unpopular than another in New Zealand, it was that passed and strictly enforced by Sir George Grey throwing obstacles in the way of the purchase of arms. The result of his policy was, at all events, most satisfactory. The disturbances which had taken place were in a short time put down; peace was completely restored; and when he left the country he might have entertained a reasonable expectation that it was on the high road to become at no distant period a flourishing community, in which men of Maori and European descent would be found blended in one united people. These were fair prospects, and they would in all probability have been realized, had it not been for the mistakes which had been afterwards committed. Before the five years, during which the Constitution of 1846 stood suspended, had expired Sir George Grey had expressed it to be his opinion that the state of affairs in the colony had so much improved that, with proper precautions, that constitution might be brought into force, reserving to the Crown the usual power of purchasing land from the natives and the right of maintaining their laws and customs in certain districts. In 1852, accordingly, during the brief Administration of the noble Earl opposite (the Earl of Derby), a Bill, in the main in accordance with the recommendations of Sir George Grey, had been passed. But the measure, unfortunately, contained one provision which had led to great evils—he alluded to the clause making the superintendents of the provinces into which New Zealand was divided elective, instead of being appointed by the Crown. The proposal was one, it was true, which was in conformity with Sir George Grey's advice, who, although he was a most able man, and one on whose judgment the utmost reliance might in general be placed, yet could no more than the most distinguished of human beings claim to be infallible. In the present instance, at all events, experience proved that he was wrong. For his own part, he was of that opinion at the time of the passing of the Bill, because he thought that to make provincial superintendents elective was in reality to deprive the Governor of the greater part of the executive authority he ought to possess. How he would ask, was it possible for the Governor to carry into effect the policy which he desired, when he was obliged, in the provinces where he was not himself President, to act through officers not appointed by the Crown, not removeable by it, but chosen by popular elections, and absolutely independent of any superior authority during the time for which they were elected? For that reason it had appeared to him that the clause to which he was alluding was one which ought not to have been passed, and when it had been proposed by a succeeding Government he gave it all the opposition in his power. He did not, however, succeed in persuading either the Government of the day or their Lordships to adopt his views upon the question; but the result had more than justified the anticipations which he had formed with respect to the working of the provision. Nor was that all. One of the first measures of the newly-created Legislature was to insist on establishing that which was very improperly called a responsible Government, and which was really a party Government—a character of Government which was the most irresponsible that could exist in a community such as that of which he was speaking. Such a Government, however, was demanded by the House of Assembly, and the demand was, he thought, most unfortunately acquiesced in by the Government at home during the Administration of Lord Aberdeen in 1854. For himself, he might say that he had always been of opinion that party government was but very little suited to a colony in the early stages of its existence, and, indeed, until it had made some very considerable progress; and that the real advantages of representative institutions could in such a case be enjoyed far more fully under the old system in accordance with which the Governor was responsible for the due exercise of the executive authority, not to the Assembly, but to the Crown, while, of course, the power was reserved to the Assembly to complain to the Crown of any maladministration on his part, and, if necessary, to appeal to the Imperial Parliament. The blessings of freedom could, he believed, be more perfectly enjoyed under that old system than under a party Government; and in that view he was confirmed by the experience of that description of Government furnished by our Australian Colonies, where the burlesque of our own institutions which was exhibited was of a nature of which those who had watched their proceedings must feel ashamed. The evils, however, arising from the vices of the system to which he was referring in Australia—where there were but few natives, and those few capable of causing no serious disturbances with the settlers—where the European inhabitants were already numerous and wealthy, and where the first difficulties of a new settlement had been almost completely surmounted—were altogether insignificant compared with those which must be expected to arise in a colony such as that of New Zealand, where all the circumstances which he had just mentioned were exactly reversed. It was impossible, he should contend, that a few thousand British settlers could be placed in contact with a much larger number of natives only just emerging from barbarism, every man of whom was used to war, and at the same time extremely sensitive as to the maintenance of his rights, and capable of understanding when he was wronged—it was impossible that all that should occur and that the entire power should be placed in the hands of the European minority without creating in the minds of the natives, who were the majority, a sense of injustice and deep discontent. That such had, at all events, been the result in this case was clear from the papers which had been laid on the table. He found that so long as the Governor possessed authority sufficient to enforce his impartial administration towards both races, the natives looked up to him as the representative of the Crown, who had real power to protect and befriend them. They were, with few exceptions, loyal, and attached to the Crown. That was the representation of the state of things some time ago, as given, not only by Sir George Grey, who might be disposed to be a partial witness as to the results of his own policy, but by those who succeeded him in the administration of the Government. He (Earl Grey) found that in February and April, 1854, the then acting Governor reported the continued prosperity of the colony, and the success of the measures for the purchase of land from the natives. In May, 1854, the acting Governor, on opening the new Legislature, congratulated that body on the peace and prosperity of the colony, and the friendly relations between the native and European races; and the House of Assembly, in their address in reply, expressed their concurrence in the language used by the Governor. The Legislative Council, in their address, spoke still more emphatically of the peaceful and friendly relations existing between the Queen's subjects of both races, and of the increasing intelligence and civilization of the natives. In July, 1854, the acting Governor reported that the purchase of land still continued to be easily made. At the beginning of the following year the reports were still better; but during its course symptoms of a change for the worse began to appear. In September Governor Browne, the present Governor, reported that he had seen the chiefs of most importance in the north; that they all seemed well disposed to the local Government; but that they did not view the Assembly very favourably, partly because they did not understand its power, but chiefly because they considered it less scrupulous in its desire to obtain land than the Governor, whom they looked on as a protector. In July, 1856, there proceeded still more unfavourable reports from the Governor of the disposition of the natives, for he said it was evident that they disliked popular government over which they had no check. And it seemed impossible that the case should be otherwise, because the authority of the Governor was reduced to a shadow. In the general affairs of Government he was obliged to act on the advice of his Executive Council, who, in fact, were the mere delegates of the Assembly; and, although there was a nominal reservation of matters affecting the natives as to which it was said he might act upon his own judgment, yet it was perfectly clear from reading the papers presented to Parliament that even with regard to native affairs the Governor had no real power, and that he did, in point of fact, implicitly follow the advice of the Executive Council. But what was worse than all was the administration of affairs in the provinces. Almost the whole patronage of the Government, and a great part of the control of the expenditure, had been transferred by a series of measures to the provincial Assemblies, and the Governor reported that superintendents would obey no instructions from the Governor except those which were in accordance with their own views; that they had the disposal of the funds for the time being in their hands; and that, in the political contests, they felt bound to favour the party to which they owed their appointment to office. Was it possible to be surprised that, under a government of this sort, the Maories should be discontented? They not only comprehended the injustice of being excluded from all practical share in the government, while constituting a large proportion of the population and of the contributors to the revenue, but they were made practically to feel the effect of this exclusion in various ways. They felt it by the miserable and inadequate grants grudgingly made by the Assembly for purposes in which the Maories were interested, and by the misuse of patronage for party purposes. He had no doubt, from information which had reached him, that nothing so much contributed to irritate the Maories against the existing Government as the manner in which patronage was misused. They saw men holding office, in the right discharge of the duties of which they were deeply interested, and in whom they had great confidence, replaced by other men whose appointment was due to party interests, and they said that the Crown was deprived of any effectual power of instituting an impartial administration in their behalf. It must not be supposed that these were the only grievances of the natives. It was impossible at this distance to judge of the details of the administration of a colony, but their Lordships would concede that in the daily administration of affairs there were many opportunities for acting oppressively; and he regretted to say that if the disposition of the European population was to be judged of from the tone of the public press, and from the language used at public meetings and in the committees of the Provincial Councils, there could be no doubt that there had grown up of late years a lamentable want of consideration for the feelings and interests of the Maories, and even of their lives. It appeared from the papers on the table that the Provincial Council of New Plymouth presented, in 1856, an address to the Governor, in which a want of consideration for the natives was most painfully manifest. It was also to be learnt from the able pamphlet published by Mr. Fox on this question that in 1858 this same Council called on the Governor to compel the natives to sever their tribal tenancies with a view to the acquisition of land, stating that the natives were incapable of offering any resistance. This fact was significant, especially when coupled with this other circumstance, that one of the representatives of New Plymouth was Mr.

Richmond, who held the situation of one of the responsible advisers of the Governor, and was what was called his Native Minister. What was still more significant was that it was the virtual adoption not very long afterwards of this advice of the memorial to compel the recusants to submit to the proceedings of the Governor in reference to the purchase of land that was the cause of the war. Could it be believed that Mr. Richmond would be a trustworthy adviser of the Governor in matters as they at present existed? There could be little doubt that the Maori race had just ground for discontent. That was not his opinion alone, but the recorded opinion of Her Majesty's Ministers also. It was implied very distinctly in many of the despatches, and still more in the measure introduced to Parliament last year, when the Government then brought in a Bill to establish a Council independent of the Assembly for the purpose of advising the Governor on native affairs. The only justification for such a measure was that the Government, as it now existed, could not safely be trusted in matters affecting the natives. That measure passed their Lordships' House, but failed to obtain the assent of the House of Commons. He rejoiced at that failure, because, although the evil was apparent, he did not believe the Bill provided a remedy for it. That measure would, indeed, only have led to a conflict of authority, and would have increased the evil. The Government had admitted in the course of the present Session, in the other House of Parliament, that affairs were not in a satisfactory condition in New Zealand.

There being, then, just ground of dissatisfaction on the part of the natives, and the local Government being so bad, he would ask, what did the Government propose to do? Did they propose to compel the natives to submit to a Government which they acknowledged to be unjust and bad, and, if they resisted, to reduce them to obedience? He trusted not. He implored them not to let this state of things continue, but to prepare measures of redress. It seemed to him that Her Majesty's Government ought without delay to take measures for the redress of the grievances of the native inhabitants, to endeavour to conciliate them by equitable arrangements, and to put an end to this war. Why should not Her Majesty's Government make an appeal to the well-known public spirit of Sir George Grey, and ask him to return to the colony with special powers to deal with so great an emergency? He was persuaded that Sir George Grey was a man of too much public spirit; and, moreover, he must naturally take too deep an interest in the welfare of the colony for which he had already done so much to refuse to make such a sacrifice, great as it would be, if he were asked to do so. But, if he accepted such a mission, he ought to be armed with large powers. In the present state of irritation of the Maories and the Europeans, perhaps nothing less would answer than the suspension for three years of the representative system of the colony, and the concentration of the whole legislative and executive authority in the hands of Sir George Grey and a Council deriving its powers from the Crown. Armed with these powers, the influence which Sir George Grey possessed over the minds of the natives would enable him to restore peace in the colony at no distant period. There was already a strong military force in the colony, but the presence of Sir George Grey would, as far as the restoration of peace was concerned, be worth more than 10,000 additional troops. Of course, after such a period of suspension, the representative Government of the colony could not be again brought into operation without correcting the defects that had been shown to exist in it. The calamities that had occurred would then have this good result — that Parliament would be enabled to decide what changes were required in the constitution of the colony. He believed that these changes were not numerous, and could easily be effected. If the arrangement for establishing a representative Government were assented to, and if the Governor were assisted, not by advisers whose advice he was bound to follow, and who held their office by the fleeting tenure of the ascendency of parties, but by men of experience, selected for their knowledge, and holding office practically during good behaviour—so long as the Crown was satisfied with the mode in which they discharged their duties—if these things were done, and if a fair and fixed appropriation were made for the expenses of the Government and for those objects in which the Maories were concerned, he was not aware that anything else was required to enable representative institutions in a short period to be once more established with safety in New Zealand. If Her Majesty's Government declined to take the more decided course which, in his opinion, they ought to take, and to suspend during the war the action of the present Government of New Zealand, he trusted they would make modifications in the government such as he had pointed out. He knew it might be said that Parliament, having once conferred representative institutions on New Zealand, could now neither withdraw nor modify them. If the colonists were ready to undertake the defence of the colony against all but a foreign enemy, if they did not appeal to us in such cases, then they might have reasonable ground of complaint if we interfered with their institutions. But he found that it was urged in New Zealand that no less than 4,000 or 5,000 British soldiers, to be maintained at a large expense by the mother country, and two or three steamers, were absolutely necessary to enable them to defend themselves against their native enemies. Nay, he saw that they meant to push their claims still farther, and ask that the pay of their own militia and the expense of their own forces in the field should be defrayed, not from the colonial, but from the Imperial Treasury. He did not deny that in the present state of the colony it was necessary to assist the British settlers. He was persuaded that it was impossible for them to bring this war to a satisfactory close unaided; and he, therefore, did not object to the employment of a sufficient number of British soldiers for that purpose without charge to the colony. But, if the Government and Parliament of this country were to undertake the defence of the colony against the natives, they must also undertake the regulation of the policy by which it was in future to be governed. They must take care that the generosity of this country was not abused, and that power was not placed in the hands of the settlers in such a way as might lead to its improper exercise. Could it for a moment be pretended that it was just and reasonable that the colonists should on the one hand claim the undisputed right of managing their own affairs, and on the other have the liberty to call on the mother country to bear the burden of any war occasioned by their own mismanagement? If by injustice and oppression they drove the natives to resistance, were they to call on us to extinguish that resistance in blood without allowing us to exercise our judgment upon the measures resorted to? That was a doctrine which he was sure would receive no countenance from any of their Lordships. He believed that if the colonists were told that they must defend themselves as well as manage their own affairs, that would be a sufficient inducement to keep them on terms of friendship with their semi-barbarous neighbours. He was not ignorant that the colonists had much to bear. No doubt they were exposed to many wrongs and grievances, but those wrongs and grievances ought to be borne, not only with justice, but with forbearance. If the impartial authority of the Crown was to intervene for the government of both parties, that justice and forbearance could be enforced, for the Crown would not be influenced by those passions and feelings that naturally arose in the contact between civilized and half-civilized races; but if the government of both parties were left to the colonists themselves, with an unlimited power to draw upon the Treasury of this country, there would be taken away the only effective check for that selfishness which he feared human nature was never exempted from. He, therefore, felt himself bound to object to the measure before the House, as one entirely inadequate to the circumstances of the case; and he thought the second reading of the Bill afforded a legitimate opportunity of expressing to their Lordships his conviction that they could not safely leave matters as they were. He implored the Government not to think they could go on from year to year with things as they were, but to set themselves earnestly to the adoption of some wise and comprehensive measure that would meet the circumstances of the case. If they did not, they might be assured that before this war was brought to a close thousands of British soldiers would be sacrificed and millions of money would be spent, while in the end, in all probability, they would only be able to restore peace by reducing New Zealand to a desert, by exterminating the natives, after a struggle which would reduce the colonists to beggary, and drive them to seek homes in more peaceful and prosperous colonies.

LORD LYTTELTON said, he was satisfied with the steps which had been taken by the Government, and with the despatches they had sent to New Zealand since the commencement of the war. He did not complain of the Bill now before their Lordships; but he must express the hope that the power given by it to the General Assembly of New Zealand would be exercised more carefully than it had been. He could not agree with the noble Earl (Earl

Grey) in the opinion that the constitution of New Zealand was erroneous in principle. He should express his sympathy with the Governor of New Zealand on one point, and that was the spirit of hostility with which had been opposed by the leading ecclesiastical authorities. This he regarded as a very unfortunate circumstance. There seemed to be some mistake existing as to the object for which the colonization of New Zealand was undertaken. That colonization was the work of the New Zealand Company, backed by the Government, and had no other motive than the ordinary one. The work of colonization by a country like that of England, and that of evangelization were not naturally promotive of each other. Indeed, they were to a certain extent mutually obstructive; so that the best field for the one was not necessarily the best for the other. The best field for colonization was where there were few or native inhabitants — as Upper Canada, South Australia, and Port Natal, while the reverse was true to evanglization. We had certainly not done enough for the natives of New Zealand. What savage nations required was a great deal of Government; and he was afraid that in New Zealand we had, in a great measure, destroyed the Government that had formerly existed, and substituted very little, indeed, in its stead. He found among the papers a complaint from a native that when they adhered to their own customs they had "light," but that under the new order of things they were in "darkness." This was followed by an observation that we Europeans had effected this change, and that it was for us to lay down laws to meet the case. The colonization of New Zealand might be dated from the time when the Marquess of Normanby was Colonial Secretary. In a despatch dated August, 1839, the noble Marquess assumed that cannibalism, human sacrifices, and warfare among the natives were among the things which should be put down by force in New Zealand. Whether cannibalism and human sacrifices had ever been put down by force was a matter into which he should not now enter, but he found that the first Governor held that it was out of his power to put down warfare among the natives by that means. There were pages in the blue books to show that the Governor held as axiomatic that it was foreign to his business to interfere in the case of such an occurrence. The restless state of the natives had been known to the colonists for many years. It was now some years since a feeling had sprung up among them for a king. In former times they had no king, but were governed by chiefs. When the authority of those chiefs was destroyed, as had been the case, the natives cast about for some authority to rule them, and it seemed to them that the only substitute was to set up a king. With this view a feeble and imbecile old man named Potatau was elected king. He was now dead, but a successor had been elected king. This must be taken as an expression of the desire of the Maories for a native Government. With regard to the particular question of the origin of the present war, he (Lord Lyttelton) must confess, having read all the papers on their Lordships' table and many others which had reached him from New Zealand, that he quite agreed in the conclusion of the noble Earl (Earl Grey), that the question of the tribal right was one which was open to very considerable doubt. He must also say since the Bishop had expressed his opinion in favour of the tribal right, and particularly of the exercise of that right on the part of Wirimu Kingi, that a perusal of those papers had very much shaken his (Lord Lyttelton's) opinion on this point, and he should recommend no one to form a definite opinion on the matter without having read the last despatches on the subject, especially that one from the Governor, dated in December 4, 1860, which occupied a space of some thirty pages in the volume before them. He thought that the Governor had produced weighty evidence to the effect that there was reason to doubt whether any ancient signorial rights had existed at all among the native chiefs, and in favour of the justice and wisdom of the course he had pursued.

THE DUKE OF NEWCASTLE said, that his noble Friend the noble Earl, in introducing this interesting discussion on a very important question upon the somewhat slender basis of a Bill which he (the Duke of Newcastle) had asked their Lordships to read a second time, expressed the regret which he felt that this was the only Bill which Her Majesty's Government were prepared to lay on the table with respect to the colony of New Zealand. Until the close of the noble Earl's speech he (the Duke of Newcastle) felt surprised at this expression of regret, not only because he knew the noble Earl disapproved of the measure which he (the Duke of Newcastle) introduced last year, but also because he could not gather what remedial measure the noble Earl wished should be adopted. He (the Duke of Newcastle) would not say anything with regard to the recommendations he had received from time to time as to the measures he might have introduced; but his noble Friend had certainly misunderstood or had misquoted the observations which he made in introducing the measure of last year. He certainly did not advocate that Bill on the ground that he disapproved of the constitution or Government of New Zealand, or of the course that had been taken with respect to the management of native affairs. He understood his noble Friend to say that that was the sole ground upon which that Bill was supported. What he (the Duke of Newcastle) did say was this — that the Constitution Act of 1852 having imposed upon the Governor certain duties with regard to the management of native affairs, and it being found not only difficult, but almost impossible to carry those functions into effect, in order to enable him to do so he introduced that Bill giving him the assistance of a native Council. His noble Friend said he rejoiced that that Bill failed, because he thought the establishment of an independent native Council would have caused more confusion than already existed there. That, however, was not the opinion of the colonists. They objected to the Imperial Parliament legislating upon the subject, and he had expressly admitted that it was a purely exceptional case; but, so far were the colonists from thinking that a native Council would be productive of evil, that they had themselves introduced a Bill into the local Legislature constituting such a Council, thus adopting the principle, although varying the details, of the Bill of last year. His noble Friend had not dwelt at any length upon the origin of the war, and was right in abstaining from so doing, considering that they were now discussing the question a year after the commencement of the war; but, as the noble Earl had entered upon that question so far as to express his opinion, founded on the opinion of certain authorities in the colony, that the Governor was wrong, and that Wirimu Kingi's claim was a substantial one, he (the Duke of Newcastle) was bound to say that he did not concur in that opinion. He believed the Governor to be right, and in this respect he must say his mind had taken the same course as that of the noble Baron (Lord Lyttelton). Immediately after his return from America he wrote a despatch, in which he stated that he had doubts of the justice of the course that had been pursued; but the despatches since received, and particularly the one referred to by the noble Baron, had convinced him that the Governor was right, and that the balance of opinions inclined in his favour. He did not dispute the authority of Sir William Martin; but against that he believed he might set the opinion of the present Chief Justice Arney, and of many others who had studied the question thoroughly. He could not understand upon what principle the claim of Wirimu Kingi was based. It had been said that it was not right the Governor should raise this question on an insignificant piece of land. No doubt in quantity it was an insignificant piece of land; but the principle involved was not insignificant. He had reason to suppose that other claims of a similar character would be brought, and it might fairly be put to their Lordships whether the Governor would have performed his duty to the Government he represented, or to the colony, if he had withdrawn his claim because a powerful chief resisted, and whether he must not then have closed all purchases of land had he submitted to the dictation of Kingi whose claim was totally unsubstantiated. So far from the Governor acting hastily, nine months were spent in the adjudication of the case. Every claim was maturely considered. It had been said that the hostile claims ought to have been referred to a tribunal. This was very plausible at first sight; but what tribunal? Was there any tribunal in New Zealand to which such affairs could be referred? The Governor and settlers would have been only too glad to have had such a tribunal; but the opponents of such a tribunal had always been the natives. No Governor was ever in circumstances to constitute such a tribunal without raising the apprehensions or opposition of the Maories. The Treaty of Waitangi did not refer to such a tribunal, but it said that transactions for the purchase of land should be carried on between the native proprietors of the land and the Governor, and that was the course which was taken in this case. And there was no doubt that the adjudication of the Governor was more favourable to the natives than such a tribunal could be, proceeding as such a tribunal always must on legal principles rigidly applied between seller and purchaser; whereas, on the contrary, it had been the constant and most judicious procedure of the Government agents established by the Treaty of Waitangi to yield every doubtful point in favour of the natives; and no doubt they consulted the interests of the colony by doing so. This question of a tribunal had been strongly urged, among others by the Bishop of New Zealand, in the document which he called his "solemn protest;" and here he must say he was greatly obliged to the noble Baron who had just sat down for the course he had taken, and the language he held with reference to the conduct of the Bishop and the missionaries. If the words used had fallen from himself as colonial Minister no doubt they would have had but little effect; but coming from the noble Baron, occupying as he did an independent position, but one of warmest friendship to the Church in New Zealand, it could not fail to have an important influence. He trusted that excellent man the Bishop of New Zealand and the Missionaries of the Church of England would take in good part the lesson which had been read to them, and that they would in future abstain from that intererfence with the Civil Government which he had no hesitation in saying, on this occasion had been most unfortunate and mischievous. The protest, no doubt, was a most able document; but he must take the liberty of saying that if that protest had been on a political subject, or a question between the governor and the governed in any country nearer home, and had emanated from any bishop in a country of Europe, there would have been an universal cry against the impropriety of bishops and priests interfering in such matters, and above all of adopting such a tone as the Bishop of New Zealand had assumed. He made these allusions with very great pain to one holding the high position of the Bishop of New Zealand, and whom he so sincerely respected, both for his admirable character and as a minister of the Gospel; but he had certainly allowed himself, both on this and on former occasions to be diverted from his high calling into the partial advocacy of native rights which had led to consequences of a very serious kind. If he said so much with respect to that great man—for so he must call the Bishop of New Zealand—he said so still more emphatically with reference to smaller men in the Church, who, without the talent and ability, and, in some respects, the judgment he possessed, had certainly played a very mischievous part in these transactions. He would not say another word on this part of the subject with regard to the Bishop. His noble Friend, as he had observed, had not entered at any great length into the origin of the war, and it was not necessary that he (the Duke of Newcastle) should do so. It would have been just as wise during the period of the great mutiny in India to have been discussing constantly in the press and the Houses of the Legislature the questions of the greased cartridges and other matters which were supposed to be the origin, but in reality were, no doubt, only the pretext of the rebellion. So he maintained that the question of the land was a mere pretext. He believed, however, that it had been providential both for the Maories and the settlers that the event had been hastened. However much anything was to be deprecated that led to war and bloodshed, if this occasion had been obviated, eventually we should have had a war of a more serious nature, when we were, perhaps, less prepared for it, and when the preparations of the natives were more complete. There could be no doubt, in his opinion, that the struggle was one for nationality. There was a feeling among the Maories that their nationality was becoming gradually extinguished, and they were, therefore, anxious to prevent the extension of the English over the country of which they felt they had themselves been the paramount possessors. In this feeling alone the Land League originated, of which Wirimu Kingi was the chief. He had heard it stated in favour of this chief that, although he was at the head of the Land League, his object was totally different from another movement—namely, the Maori King movement—because he did not join that chief who had been already referred to bearing the the humble name of Potatau. Now, he attached no value to this fact at all. William King did not join that movement because it was not his interest to do so. Of course, William King would not join in a movement which was in fact a rival movement to his own. The Maori King was his rival; Kingi wanted to be a great paramount chief himself; but when he was obliged to enter into hostile operations against the British Government his scruples vanished, and he not only joined the Maori King but made the Land League subservient to his purposes. The King movement had been going on for the last seven years; but for some time it made little progress, and there was no doubt the Government policy of leaving it alone to die out of itself would have been successful if none had been concerned but the natives. The natives, however, in their hostility to the English Government, had not only been used but instigated by disaffected Europeans. There was no doubt upon this point. An agitation had long been carried on; emissaries had been sent abroad; in one part of the country subscriptions had been raised for setting up a printing-press with the view of disseminating among the natives everything which could excite them against the British Government; a flag had been designed and hoisted at the residence of this so-called Maori King—nay, more, an attempt was made to levy customs; all with the view of persuading the natives that the Governor of New Zealand had conceived a secret plan to exterminate them by degrees, and seize their whole lands for the common use of the British settlers. He did not say this without reason; and, if proof were wanted, he could point to the conduct of one of the native friendly tribes, who had shown every disposition to continue so in spite of the existence of what was going on around them. The question, in fact, had become one of sovereignty—a question between a Maori King on one side and the British Queen on the other. The natives were determined, if they could, to drive the British into the sea, and to establish an independent sovereignty under a Maori King. The Governor, in his last despatch, stated expressly that they showed no disposition to accept any terms of peace except such as should surrender the sovereignty of England. It was, of course, hardly necessary to say that no intention existed to extinguish the Maori race. He concurred with the noble Earl that the extinction of the native race would be most disgraceful to the character of this country. If there was one set of aborigines more than another which the English people respected and admired it was the Maori tribes. The Maories had shown many great qualities. They were almost, if not quite, as brave as Englishmen; and even in the present foolish and disastrous war they had performed individual acts of courage which did them the highest honour. He was sure, therefore, their Lordships would agree with him when he said that every life which could be spared would be a gain, and that the sooner we could bring the rebellion to a close the better it would be for all concerned. There could be no doubt that the causes of the war were of older date than the disputed purchase of land. He could not admit, however, that the chief blame lay, not with the representative instititutions which had been introduced into New Zealand, but with what had been called responsible government. Party government might have aggravated to a certain extent the evils caused by representative institutions; but throughout the whole of the blue book he thought the noble Earl would find no more than the two passages he had quoted to indicate that responsible government had really alarmed the natives. [Earl GREY: Twenty others.] Well, he was quite unable to find them. On the other hand, there could be no doubt that the change in the constitution which took place in 1852 had deprived the Governor of powers which he then possessed, and had indirectly deprived him of what was of still more importance—namely, the funds which were formerly at his disposal. Up to 1852 the Imperial Parliament voted a considerable sum annually for native purposes, and no equivalent substitute had been supplied under the system of government established in that year. He could not agree with the noble Earl in what he had said in condemnation of the General Assembly of New Zealand. The debates of that Assembly had been conducted with singular forbearance towards the natives, and with every disposition to promote their interests, as well as with very remarkable ability and moderation. The tone of the press was a different thing; but it was not right to quote the opinions of the press as conclusive; at all events, the press might be quoted on both sides—for as well as against the natives. He agreed with much that the noble Earl stated with respect to the provincial Legislatures and to the elective character of the superintendents. It was a great misfortune that the superintendents were not only independent of the supreme Government, but that the persons elected were frequently antagonistic to it. The system was a bad imitation of that prevailing in the United States, without any of the reasons which might be found in support of it in that great republic. He could not help thinking that if the provincial Legislatures had been confined more to municipal duties, and if their presidents had been nominated by the Governor-in-Chief, that would have been a great improvement upon the system adopted in 1852. Although the revenue of New Zealand was considerable, nevertheless, it was of little general application, inasmuch as any surplus was divided amongst the provincial Governments, which generally contrived to absorb it altogether. Another cause of much of the mischief which had occurred was to be found in a merely nominal and fictitious extension of English laws to the natives. We had pretended to extend English laws to the natives, but in reality we had done no such thing, and under the present system the natives were neither separated from nor were they incorporated with English settlers. Scarcely any Maori was an elector. By the decisions of the Courts in New Zealand no title to land was recognized except such as was admitted by English law. If, therefore, a native wished to have a vote he must become a freeholder; but few natives could have any interest in acquiring a freehold. Nothing, he thought, could be more likely to conduce to the benefit of that colony, and to put an end to the state of things which had led to the present war than the adoption of that system which Sir George Grey had so usefully introduced at the Cape in the instance of British Caffraria — a system which he had previously carried to a certain extent in New Zealand itself, and which consisted in the acquisition of the friendship of the native chiefs by conferring upon them appointments in connection with the English Government, at the same time that they maintained their own position with the natives, and by establishing among them paid magistrates and a police. If, in addition, those schools to which his noble Friend near him had alluded were established, and the English language were taught in them, still greater advantages would in all probability result. The missionaries who went to the colony generally endeavoured to make themselves masters of the Maori language in order to communicate with the natives in their own tongue; forgetting the advantage to be acquired by the natives becoming acquainted with our language. He should next, notwithstanding that the House was becoming rapidly reduced to that number which usually sat out the discussion of colonial subjects, say a few words with reference to the disposition of the colonial Government to bear a due proportion of the expenses connected with its military administration. It had been observed in the course of the discussion that not only did the colonists expect that the British Government should pay the expenses of the whole of the Imperial troops which were sent out there, but that they had attempted to force upon us the payment of a purely colonial expenditure for the purposes of their own militia and volunteers. Now, he, for one, was entirely opposed to any attempt on the part of the colonial Government to throw on the Parliament of this country expenses which they themselves ought to bear; but he was at the same time of opinion that it was desirable the Legislature of Great Britain should be just in dealing with the subject. There was, in connection with the point to which he was adverting, considerable difference between the privileges of some colonial Governments and others, but he certainly could not help admitting that the demand which had been put forward on the occasion which had been referred to by his noble Friend was both improper and untenable. He was happy, however, to be able to state—and he had heard of the circumstance with great satisfaction—that an agent from New Zealand was engaged in negotiating a loan of £150,000 on behalf of the colony for the express purpose of defraying expenditure consequent on the war. He might add that he hoped it would turn out to be a fact that there was upon the part of the Colonial Government an intention to provide a fund with the view of carrying out those improvements which he believed to be necessary to the better administration of native affairs when the present war was concluded. One of the great difficulties which existed in dealing with a colony at so great a distance from us as New Zealand was that the Government at home was obliged to fix upon a particular course in entire ignorance of the state of things which might exist in the colony when their instructions had arrived at their destination. Two months had elapsed, for example, since the date of the despatches from New Zealand which had just been received, and it was quite possible that orders sent out from the Colonial Department might be found to be calculated to be disadvantageous, if acted upon in the position of affairs which might, between the present moment and the period at which they would reach the colony, arise. As to which was the most probable, peace or a continuance of the war in New Zealand, he could make no positive statement. There were many symptoms which would lead one to the conclusion that the natives were desirous to sue for peace, and he trusted that before long their better instincts might prevail upon them to surrender those points with respect to the abandonment of the Sovereignty of the Queen for which they were contending. Such being the prospects on the side of peace, there were, he must admit, on the other hand, serious appearances of a further extension of the war; and if those appearances should be realized the contest would, no doubt, in many respects, be one of the most disastrous character. Under all the circumstances of the case it was impossible to take at home steps of a very definite nature; but the Government, nevertheless, felt that there was one course which ought to be adopted—namely, to provide that the person to whom should be committed the management of the affairs of New Zealand should be a person likely to continue there a sufficient time to carry out any line of policy which it might be deemed expedient to pursue. The present Governor of the Colony, Colonel Gore Browne, would, in two or three months, have completed his period of office, inasmuch as at the expiration of that time he would have been there six years. It would, of course, be his duty if he were then Secretary for the Colonies to recall Colonel Browne, and to appoint a successor. He had, he might add, felt that it would not, under existing circumstances, be desirable to wait for the expiration of the time which he had just mentioned to take the necessary steps in the matter; for if the war should, by the end of two or three months, have terminated, the new policy to be adopted should be entered upon immediately afterwards. He had, consequently, felt it to be his duty to recommend to Her Majesty to appoint a successor to Colonel Gore Browne; and, he was happy to say that the Queen, acting upon that recommendation, had been graciously pleased to appoint Sir George Grey as Governor of New Zealand—a choice than which he quite concurred with the noble Earl near him in thinking no better could be made. He had, of course, felt that in asking Sir George Grey to return to the Government of a colony the affairs of which he had before administered, and that from an appointment which was looked upon as somewhat superior, he was making a tax on his patriotism, and calling upon him to perform a public duty at a personal sacrifice. He had, however, so much confidence in Sir George Grey's public spirit that he felt no doubt that when he received the intimation which he had sent out to him on the subject by the mail of last month—it being probable that by the next mail—namely, that which left England yesterday, he would receive official instructions to proceed to New Zealand—he would not lose a moment in making the necessary preparations and would set sail for his destination by the first opportunity. He had sent intimation to Colonel Gore Browne of the step which he had taken by the mail which had left for Australia yesterday; nor should he wish to close his remarks upon this particular point without marking his recognition in express terms of Colonel Browne's services. In recommending Her Majesty to send out Sir George Grey to New Zealand not the smallest reflection on Colonel Gore Browne's conduct was implied, and nobody, he thought, could read the despatches of that gallant officer during the period in which he held the position of Governor of the colony without feeling that they were written by a man of great ability, and were distinguished by consideration for all the interests with which he had to deal; while they clearly proved that no man had ever steered a clearer course than their author between the interests of the settlers on the one hand and those of the native population on the other. The only charge, indeed, he had heard made against him was, that he was too favourable to the latter; but he must, for his own part, say that he did not think that Colonel Browne had erred in that direction. He did not think that Governor Browne, though placed in circumstances of almost unparalleled difficulty, had acted wrongly in regard to the immediate pretext—for so he must call it—for this war, while he had shown a temper and discretion in all his transactions which did him the highest honour. Being a military man, and placed in a position which might tempt him to interfere more than a Governor should in military affairs, Governor Browne had, nevertheless, steered a clear and proper course, and the native population as well as the settlers in New Zealand would, no doubt, feel, when the war was closed, that, however distinguished had been the conduct of Sir George Grey, they also owed a debt of gratitude to the Governor whose period of office was now about to expire. He should be most unwilling to allow the slightest doubt to arise in the mind of any one in New Zealand as to the feeling in respect to Governor Browne which had induced this step to be taken, and he should have greatly regretted if he had not had this opportunity of explaining these circumstances, and of bearing this testimony. He might, further, state that he had recommended Colonel Gore Browne to Her Majesty for another governorship, thereby showing that his conduct was not disapproved. He would conclude by expressing his hope that the appointment of Sir George Grey would tend to bring about the entire suppression of these unhappy disturbances.

EARL GREY expressed his satisfaction at the statement made by the noble Duke. He wished to be understood as not meaning any censure on Governor Browne. Great mistakes had, doubtless, been made; but Governor Browne was not responsible for them, for he was in a false position, being deprived of the power to carry out his own policy. He thought the remembrance of the past services of Sir George Grey would render his appointment peculiarly acceptable to the people whom he was going to govern. At the same time he implored the Government not to place Sir George Grey in a false position. When he went to the colony he ought to go armed with those powers without which it would be impossible for him to bring his task to a successful close. Let Sir George Grey find, on his arrival in New Zealand, a British Act of Parliament suspending the existing constitution of that colony, and concentrating, as was absolutely necessary in a time of rebellion, all the power in the hands of the Governor.

THE DUKE OF NEWCASTLE said, he could not comply with this last suggestion of the noble Earl. He believed that it would be most unwise and most unjust to suspend the constitution on the ground of an insurrection of the native races. To adopt that course would be to punish the innocent for the sins of the guilty, and would create dissatisfaction among both races. He should think that the suspension of the constitution would be under any circumstances, and certainly under the present, one of the most impolitic acts which a British Minister could commit.

Motion *agreed to;* Bill read 2ª accordingly; and *committed* to a Committee of the Whole House on *Thursday* next.

House adjourned at a quarter past
Eight o'clock, to Thursday next,
half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, May 28, 1861.

MINUTES.] PUBLIC BILLS.—1° Local Government Supplemental; Municipal Corporations Act Amendment.

2° Consolidated Fund (£10,000,000).

3° Boundaries of Burghs Extension (Scotland) Act Amendment; Public Offices Extension.

DUBLIN CORPORATION WATER BILL.

CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill, as amended, be now taken into Consideration."

SIR EDWARD GROGAN said, he rose to move as an Amendment that the Bill be recommitted, for the purpose of hearing a petition from ratepayers of the city of Dublin, complaining of new matter that had arisen before the Committee during the progress of the Bill. Certain new clauses had been inserted in the Bill, after the opposition had been withdrawn, when the preamble had been proved. Injustice had thus been done to the interests of the ratepayers. His object was not to defeat but amend the Bill.

Amendment proposed,

"To leave out from the word 'Bill' to the end of the Question, in order to add the words 'be re-committed, for the purpose of hearing the Petition of Ratepayers and others of Dublin, deposited in the Private Bill Office, and complaining of matter which has arisen during the progress of the Bill before the Committee on the Bill,'"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question,"

MR. MAGUIRE said, he should oppose the Motion for a recommittal, the practical result of which would be to destroy the Bill for the Session. He hoped the House would not reverse the decision of a most able and painstaking Committee by assenting to the Motion.

MR. MASSEY said, the Motion was in the nature of an application for a new trial, and if the hon. Baronet could show that there had been any miscarriage of justice or any fraud practised it would be right for the House to agree to it. But this was not what the hon. Baronet alleged. According to him the fault lay with the counsel for the petitioners themselves. His case was that the ratepayers were damnified by the insertion of certain clauses in the Bill after their counsel had retired. But that was the fault of the counsel for the ratepayers, not of the Committee. There would be no end of litigation if such a course were to be allowed. If, indeed, the Members of the Committee were to express a wish to re-hear the case it would be a different matter; but he did not understand that to be the case.

MR. VANCE said, there was no wish to destroy or delay the Bill, and the investigation asked for would only occupy a few hours. The fact was that the clauses now objected to had not been argued or considered. They were not in the original Bill; they took most persons by surprise; and in some respects they were most oppressive and unfair. No good reason could be shown why Trinity College should be exempted and not the Dublin University. Then the Admiralty clause bound them for ever to maintain the same depth of water as existed at present in the channel and harbour of Wicklow, and this would operate as a great hardship. The right hon. Gentleman (Mr. Massey) said that the ratepayers ought to have stated their objections by counsel before the Committee, but the fact was that large bodies of other ratepayers now petitioned to have the matter reheard.

MR. C. R. M. TALBOT said, that as a Member of the Committee, he thought it most unreasonable to refer the Bill back to them. He contradicted the statement that the Committee did not consider the clauses complained of. It was true that those clauses were unopposed, but the Committee considered them, and thought on the whole that the Trinity College clause was a fair one, while they did not consider themselves warranted in altering the clause which was sent down by the Admiralty.

MR. WHITESIDE said, that Trinity College was exempted, as the students did not want the water, for they had always had as much as they chose to drink; but he could not understand how the river, which was first to be drank by the citizens, was afterwards to cleanse Wicklow Harbour.

MR. GEORGE said, that if the Bill had been fully heard before the Committee, not only on the preamble but on the clauses, there would be no *locus standi* for those who sought to have the Bill reconsidered; but that was not the case.

MR. LEFROY said, that the insertion of the clauses relating to the University could be no reason for the recommittal of the Bill. It was so well known that these clauses were to be inserted that a petition was got up by certain parties in Dublin against them, and the University took over witnesses to support them, who, however, were never called upon. The Committee had conducted the inquiry in a perfectly fair and straightforward manner, and no ground whatever had been shown for recommitting the Bill.

MR. WALTER said, that as a Member of the Committee, he wished to reassure the mind of the right hon. and learned Member for the University of Dublin, who seemed to think that the ratepayers of the city would be put to great cost in consequence of some threatened damage to the harbour of Wicklow. He had paid particular attention to the effect which the abstraction of the water of the Vartry would have upon the harbour of Wicklow, and he had examined Mr. Hawksley on the point; and from all the descriptions of the harbour given to the Committee, and the photographic views laid before them, he was perfectly satisfied that the abstraction of the water would have no practical effect on the harbour. The harbour consisted of a channel and a large shallow lagoon extending several miles, and the manner in which the engineers proposed to deal with it seemed likely to be most serviceable. They proposed to construct floodgates at a certain point, which would retain the water at high tide, and flush the harbour so as to clean it out at low tide. He was satisfied that there was no risk of the ratepayers being called on for compensation by reason of any damage resulting from the abstraction of the water of the Vartry, and he hoped the House, therefore, would support the decision of the Committee.

MR. DAWSON said, he sincerely hoped the Bill would never pass into law in its present shape, as no adequate advantage would be derived from the startling amount of taxation which it was proposed to place on the citizens of Dublin.

SIR EDWARD GROGAN said, it was useless to contend against the opinion of the Chairman of Committees and the Chairman of the Select Committee, and he would, therefore, withdraw his Motion.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill, as amended, *considered*; to be read 3°.

THAMES EMBANKMENT BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed "That the Bill be now read a second time."

MR. COWPER said, he felt bound to

call the attention of the House to this Bill. It was generally agreed that an embankment along the Thames was desirable which should be open to all passengers; but the Bill before the House was a proposal of a railway company, to take possession of that embankment and make a railway upon it and levy tolls upon passengers. They proposed to get their capital partly by shares, partly by taking £400,000 out of the funds of the Metropolitan Board of Works, and partly from a Vote of Parliament. The clause on which this proposition was embodied was a curiosity in its way, and was worth reading. It ran thus—

> "It shall be lawful for Her Majesty's Commissioners of Woods and Forests to contribute, out of any money which Parliament may vote for the purpose, and to apply such sum of money as shall be sufficient to defray the expenses of compensation."

The Government was to buy the land, and give the company as much as they wanted for their railway—a most convenient mode of proceeding for the company; but one which ought not to be adopted without the assent of the Executive Government. He was unwilling to take a hostile part on the subject of a private Bill, but he thought that in allowing such a clause to be passed they would be admitting a precedent which might have a very injurious effect. He, therefore, thought that it would be the duty of the House not to allow it to be read a second time. Another reason was, that a Commission had been appointed to examine into the subject and had not yet made its report, and if the Bill should pass there could be no action upon the Report of that Commission. He, therefore, moved that the Bill be read a second time that day six months.

Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. AYRTON said, he was informed that the right hon. Gentleman himself was mainly responsible for these objectionable clauses being in the Bill, and that the right hon. Gentleman had encouraged the promoters to insert them. [Mr. Cowper: No, no!] He believed that the principle upon which the Bill was founded was the only principle upon which there was the least chance of getting an embankment of the Thames without jobbing, without intriguing, and at a definite expense. If perfect irresponsible Royal Commissions were to go in search of schemes, and prepare for themselves permanent occupation, there would be no end to the cost and no end to the work. Westminster bridge had been in course of building for years, and the outlay had been enormous, while Victoria bridge had been completed by a railway company in about a year for £95,000, or just the expenditure which had been made on Blackfriars bridge to repair it, as it was called, but really to prepare it for demolition. The principle of the Bill was recommended by the Committee of 1856, and he hoped the House would allow it to be read a second time, although he quite concurred with the right hon. Gentleman that it would be most inconvenient to adopt the clauses in the Bill to which their attention had been directed.

Lord FERMOY said, the embankment of the Thames was a most important—indeed almost a national—question, and they ought to deal with it in a proper manner. By the Bill, however, a private company proposed to deal with public money. He feared that such a proposal would result in jobbing. Again, a Commission was sitting, and about to report. Surely the House had better wait and see the report before deciding whether they would proceed by means of a private or a public Bill. It would be injudicious to allow these parties to occupy the ground, because, even if they decided in favour of a private Bill, it did not follow that the London, Chatham, and Dover was the company who ought to carry out the work.

Lord JOHN MANNERS said, the Select Committee which sat last year upon the subject carefully abstained from expressing any opinion either in favour or against a railway being carried on the top of the embankment. The Bill before them was a Railway Bill, and if the railway was struck out it would be entirely destroyed. He should be extremely sorry if the House, by giving the Bill a second reading, pledged itself to the principle that the embankment should not be carried out except through the agency of a railway company, and he should, therefore, vote for the Amendment.

Lord HENRY LENNOX said, the company did not bind themselves to carry out the details as embodied in the Bill, but were quite willing to leave them to the decision of the Government. As he had charge of the Bill he should put the House to the trouble of dividing in order to show upon whom rested the responsibility of withholding from the Metropolis a work of great public utility.

SIR GEORGE LEWIS said, there was danger in the House going to a division without understanding the real facts of the case. He must deny that the Government had been at all remiss in the matter. The Select Committee appointed to inquire into the subject reccommended that the embankment should be executed under the control of the Metropolitan Board of Works, and that the expense should come out of the London coal dues, so that no additional charge should be placed on the Exchequer. The Government lost no time in acting on that recommendation, and there was no remissness or supineness on their part. They issued a Royal Commission to inquire into the best plan for the embankment, and he himself brought in a Bill, the object of which was to appropriate the coal dues to that object. That question was now pending for the decision of the House. If the House decided in favour of the present proposal they would create a nominal company, which would not mainly be supported by the subscriptions of the shareholders, but by a large subsidy, to be provided by prospective Votes of the House, and by large contributions in the shape of rates upon the Metropolis, to be raised by the compulsory powers of the Metropolitan Board of Works. Such a decision would not only amount to the virtual rejection of the Government measure, but be totally unprecedented.

MR. T. DUNCOMBE said, he would beg to ask the noble Lord who had charge of the Bill if he had any objection to postpone the second reading until the Commission had presented their Report.

LORD HENRY LENNOX said, he would agree to that suggestion.

SIR GEORGE LEWIS said, the Bill was so objectionable in principle, placing, as it did, a large sum of public money at the disposal of a private company, that he could not assent to the course proposed.

Question, "That the word 'now' stand part of the Question."

Put, and *negatived.*

Words *added,*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

STATE OF SIEGE IN VENETIA. QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the Secretary of State for Foreign Affairs, Whether, when Count Richberg, in his Despatch of the 27th day of April, denied that a state of siege existed in Venetia, it is not the case that the ordinary Government in Venetia is at least as severe as any state of siege, and that four men were executed by sentence of Court Martial at Venice or its neighbourhood on the very day on which Count Richberg dated that Despatch?

LORD JOHN RUSSELL: Sir, I stated in a despatch the general view which Her Majesty's Government entertain with respect to the Kingdom of Italy; and Count Cavour addressed a despatch to the Marquis d'Azeglio, the Minister at the Court of Her Majesty, and these papers I laid before the House. When they came to be published, Count Richberg addressed a despatch to Count Apponyi in London, which he read to me. I did not think it proper to lay that paper on the table of the House, and I did not think there was anything regarding the Government of Venetia which I ought to lay on the table. With regard to the matter referred to by the hon. Member, no intimation of the kind has been received at the Foreign Office; and of course I cannot give any information respecting a speech made by a Deputy in the Parliament of Turin, on the report of which the hon. Gentleman's question is founded.

CIVIL AND MILITARY OFFICERS IN INDIA.—QUESTION.

COLONEL GILPIN said, he rose to ask the Secretary of State for India, Whether the Civil Servants who have covenanted with the East India Company under penalty to serve them in India, the Company having on their part entered into a contract that they should succeed to appointments usually filled by covenanted servants, will lose their title to those advantages in any plan for throwing open the Civil Service? Also, whether those officers who have purchased Commissions in the Company's service under the sanction and authority of the Government, will be permitted, in their turn, to sell the Commissions that they have purchased, under similar authority, after the amalgamation of the two services?

SIR CHARLES WOOD said, that of course to whatever extent any uncovenanted servant might be placed in a position hitherto exclusively reserved to the covenanted service he would be deprived of the advantage of that exclusive right; and he (Sir Charles Wood) proposed to introduce a Bill upon the subject. With regard to the second question of the hon. and gallant Member, he had to observe that it was not quite correct to say that any Indian officer purchased his Commission, or that there could be a case in which he was entitled to sell his Commission. The matter to which the hon. and gallant Gentleman referred was no doubt the fact that Indian Officers after serving a definite time were entitled to a certain amount of pay or pension, and that, by an arrangement made with the junior Officers of their corps or regiments, a bonus was given to them by those officers as an inducement to them to retire. That arrangement was known to the Government, and to a certain extent might be said to be sanctioned by the Government, who had announced their intention of not exacting from an Officer so retiring a declaration that he had received no money to induce him to retire. The arrangement, however, had been declared by a Court of law to be illegal, and he could not say that permission would be given by the Government to Officers to sell their Commissions after the amalgamation of the two services.

INDIAN PRIZE MONEY.
QUESTION.

Sir HARRY VERNEY said, he wished to ask the Secretary of State for India, When the Prize Money due to the Military Forces engaged in the suppression of the Mutiny in India will be paid; whether it has been employed by the Government or lent out for any other purpose; and whether those who have claims to it will receive interest upon the sums due to them? He also desired to know whether it is proposed to give the booty taken at Kirwee to the Army, and, if so, when and where; and whether it is proposed that Sir Hugh Rose's and General Whitelock's Forces shall both participate in it?

Sir CHARLES WOOD said, he could do little more than repeat the answer which he had given upon former occasions to similar questions. It was impossible for him to say when the prize money due for the taking of Delhi and Lucknow would be paid to the army, because that event could not take place until the prize rolls had been made out and transmitted from this country to India. The money had not been employed by the Government or lent

out. It was in the treasury of India, and no interest would be paid on all prize property to those to whom prize money was due. The booty taken at Kirwee was to be given to the army; but it was for the Treasury, and not for him to decide whether the forces of Sir Hugh Rose and General Whitelock should participate in the division of that booty.

THE GALWAY CONTRACT.
QUESTION.

The O'DONOGHUE: Sir, I wish to ask the First Lord of the Treasury, Whether it is the intention of the Government to carry out the views of the Postmaster General, expressed in a recent Letter, and annul the Galway Contract?

Viscount PALMERSTON: Sir, the communication made to the Galway Company by the Postmaster General was not the announcement of a decision of the Post Office, but was the communication of a decision of the Government. It is of course competent to the parties concerned to make to the Government any recommendation which they may think fit in regard to the communication so conveyed to them; and it will be for the Government to decide as they shall think fit upon any such representation as may be made to them. I would, however, remind the hon. Gentleman that a Motion proposed by my hon. Friend the Member for Galway has been agreed to, for the production of all the correspondence upon this subject, and when that correspondence is before us the House will be in a better position than they can now be to form a judgment upon this matter.

THE UNITED STATES—CIVIL WAR—CORRESPONDENCE.

Copy *presented*, of Correspondence with the United States Government respecting Blockade [by Command].

Lord JOHN RUSSELL said, in moving that this Correspondence should lie upon the table it may, perhaps, be convenient to the House, and especially so to the commercial interests in this country, that I should state the substance of the correspondence which has lately taken place with the Government of the United States of America with regard to the blockade of ports in that country. On the 19th of April the President of the United States issued a notification in which he intimated that it was intended to institute a blockade of the ports of the seven States which had seceded from the Union, and on the 27th of April another notification was issued, announcing that it was intended to blockade the ports of North Carolina and Virginia. When Lord Lyons applied for an official notification of the establishment and commencement of the blockade, he was told by the Secretary of State that it was not usual to make such a notification, but that it would be made by the different naval commanders at the several ports when the blockade was instituted. It results from the correspondence that the blockade is to be notified in that manner, and that one blockade has already been so notified; namely, that of the ports of Virginia and North Carolina by flag officer Prendergast, who has declared that he is in a situation to make an efficient blockade of those ports. There has been no notification of a similar kind with regard to the ports of the other States which it was declared were also to be blockaded. The rules, so far as Lord Lyons has been able to ascertain them, and of which he has given an account to Admiral Milne, commanding the squadron in those waters, are, first, that the notification is in each place to be made by the naval officer commanding the squadron or the ships which institute the blockade; and, in the next place, that fifteen days are to be allowed, after the establishment of the blockade, for vessels to come out of the ports. It appears that whether they were loaded or not at the time the blockade was established, provided they come out within fifteen days, their passage is to be allowed. On the other hand it is not permitted by the United States' Government that vessels should be sent to ports which are blockaded for the purpose of bringing away the property of British subjects, or the vessels or property of other nations. An application for such permission was made, to which the Secretary of State replied that if such a facility were granted it would be used by American citizens wishing to bring away property. Lord Lyons ends his communication to Admiral Milne very properly. He says that if the blockade is carried into effect according to the rules established by the law of nations we must of course conform to it; and that we can only see that the blockade is sufficient and regular.

MR. T. DUNCOMBE: Sir, I think that the noble Lord ought to inform the House what means he has taken to give protection to British subjects and British property in the Slave States of America. I understand that the greatest outrages are being committed upon British subjects in those States. The noble Lord may have no information upon the subject, but I have this morning received letters from persons upon whom I can depend, and who have requested me to ask what the Government are doing or intended to do in this matter. There is not the least complaint made against the Government of the Free States. But in the Confederated States neither life nor property is safe, and it has been stated to me that British subjects who went there with wholly different objects and under very different circumstances are compelled to take up arms and fight in the pro-slavery ranks. The noble Lord took great credit to himself for having issued a proclamation and for declaring that the Foreign Enlistment Act will be put in force. But, if that be so, all persons compelled to engage in this war under such circumstances will be treated as pirates. The mercantile marine of America, particularly of the Southern States, is chiefly manned by Irishmen and Englishmen, and others from our own colonies, who will now be compelled to remain and to enter the ranks of the belligerents, and if taken, though they may be loyal subjects of the Queen who wanted to get away, but had not the means of doing so, under the noble Lord's proclamation they will be treated as pirates. We talk of our neutrality; we boast of it. A letter which I have received from a gentleman asks:—"Is it nothing that a British officer," the captain of a merchant vessel, "has been tarred and feathered?" [*Laughter.*] It is all very well for hon. Gentlemen to laugh, but I foresee that these are questions which will involve us in difficulty before long. "Is it nothing," this gentleman asks, "that a British subject has been tarred and feathered; nothing that free men of colour, British subjects, are imprisoned; nothing that men of colonial birth are forced to sea in an open boat; others held as prisoners, and that Englishmen should be compelled to fight in pro-slavery ranks?" What is to be done, and what means have been taken by the noble Lord to give those persons an opportunity of avoiding being treated as pirates. I can state on reliable information that at this moment there is an advertisement in the newspapers of the Slave States offering on the part of the Confederated States 20 dollars for every person killed aboard an American vessel. What a set of savages they must be! Who would care for going to war with such a people? Do you suppose the people of Canada will submit to have their fellow-subjects dragged away and compelled to fight for slavery? They will stand no nonsense, and after a time your very neutrality will lead you into war. The question which I have been requested to ask is whether it is not intended immediately to increase the British squadron on the Southern coast, and to have every vessel examined, so that Englishmen, Irishmen, and subjects of our colonial empire, who may be serving compulsorily on board American vessels shall have an opportunity of getting away in case they wish to do so? I have received letters from men on whom I can depend, and they all state that occurrences such as I have adverted to have already taken place, and more will undoubtedly follow unless England adopts a more decided tone. We have no right to sit down and occupy ourselves exclusively in quarrelling about the paper duties while our fellow subjects are suffering by hundreds and thousands in the hands of these savages.

MR. BERNAL OSBORNE: Sir, I must, at this early stage, protest against the language made use of and the sentiments expressed by my hon. Friend the Member for Finsbury (Mr. T. Duncombe), who has altogether prejudged this question. He talks of reliable information which he has received from certain friends of his; but I am also in possession of reliable information which gives the direct lie to the statements made by the hon. Gentleman. I am not only in a position to deny that any of those outrages have been committed in the Southern States; but, if this were the proper time, I could point to outrages committed by the militia of New York in one of the Southern States occupied by them, where the General commanding, on the pretext that one of his men had been poisoned by strychnine, issued an order of the day, threatening to put a slave into every man's house to incite the slaves to murder their masters. Such was the general order issued by General Bulter. Therefore, do not let us be led away by old wives' tales into appeals to that very powerful and very dangerous element in this House—I mean the Exeter Hall feeling. I do hope the feeling of the House will be strongly expressed against anything like a debate upon this subject at the present moment; and that hon. Gentlemen will not be tempted to follow my hon. Friend, but will rather imitate the judicious silence which the noble Lord has always maintained on this point.

MR. BRIGHT: I think nothing could be more injudicious or more unfortunate than to have submitted to us accounts from private letters of particular outrages said to be committed in America. We know, before war is terminated, there or anywhere else, there will be outrages enough; but of this I think we may be quite assured that in the North as well as in the South, and in the South quite as much as in the North, there will be the greatest possible disposition to avoid everything which can bring about a quarrel with this country. Nothing could be more unfortunate for the South, nothing could be more unfortunate for the North, whatever quarrels there may be between the two sections of the American Republic, than that the quarrel should extend to this country. I feel confident that we are not more anxious to remain at peace with both the sections than they are to continue on good terms with us. In the policy which the noble Lord has announced—that of strict neutrality—I agree as cordially as any other Member of this House; and I think it would be well if that policy were not confined merely to the Government, but if individual Members of the House were as far as possible to adopt the same line of action. It is an unhappy thing that these dissensions should have arisen; but let us hope, and I hope still, that among a population more extensively educated, probably, than the population of any other country in the world, it may yet be found possible to surmount the vast difficulties which have arisen in that country without those extensive cruelties which almost always accompany a civil war. With that expression of opinion I wish to make a request—and the House, I am sure, will feel that I am only asking what is reasonable and prudent—that we should avoid, as much as possible, discussions on matters which, I believe, we cannot influence for good, but with regard to which we may create a state of feeling, either in the North or South, that will add to the difficulties of the Government in preserving the wire line of action which they have laid down.

MR. GREGORY: Sir, I really must warn the House not to be led away by stories and by letters which one gentleman has received from another gentleman, on whom he places the most implicit reliance, but who very probably knows nothing more of the matter than the Gentleman who reads the communication with such perfect faith in the accuracy of its contents. As to the nonsensical trash of twenty dollars being offered by the Confederated States for every man put to death on board an American ship, the House knows perfectly well that neither letters, newspapers, nor accredited information of any kind can at present be received from the South, but all are stopped on the borders. Anything which does see the light is cut into slips and published in the New York papers. Very few communications of the kind have reached this country, and they are principally the State documents which have been put forward by the South. I cannot better evidence the spirit by which they are animated than by referring to the late address of President Davis; and I will ask the House whether it breathes a single one of those bloodthirsty, wicked, terrible opinions which my hon. Friend is anxious to impress on the House as being the doctrine of the Southern States? I beg to take this opportunity of saying that I shall certainly bring forward my Motion on the subject of the recognition of the Southern Confederacy on the 7th of June, when I trust the matter will be fairly discussed, and in the meantime that we shall not throw imputations on one party or the other.

MR. E. P. BOUVERIE: Sir, in the question of notification of blockade to which reference has been made a matter which is very important for the commercial interests of the country is involved. The rule, I believe, is this—Public notification must be given to the State of which a neutral who seeks to violate a blockade is a member, before he can be held to have subjected himself to forfeiture of his vessel and goods; or actual notice must have been given to the neutral himself. The House will see that this is a most important question, because the intent to sail to a blockaded port, as to which a neutral merchant has received a notice of blockade, is considered as a violation of neutrality, and the ship will be accordingly condemned in the prize court of the capturing Power. I wish the noble Lord to state distinctly whether or not the mercantile interests of this country are to understand that a public notification of blockade of the ports to which he has referred will be given; or that merely an intimation of the blockade to neutral ships arriving off those ports will be given to them when they get there?

LORD JOHN RUSSELL, who was indistinctly heard, was understood to say that he could not give any further information to his right hon. Friend with regard to the blockade; but the papers on the subject would shortly be laid on the table, and when they were submitted the House would be in possession of the exact state of the case. But his right hon. Friend would understand that when Mr. Seward was asked whether he would give a notification of the blockade he refused to do so, saying that he found no precedent for such a proceeding. He (Lord John Russell) referred him to a precedent, but Mr. Seward said that he would not give a general notification of a blockade, but would leave it to the naval commanding officer on each station to declare that the blockade had been instituted, and when that was generally communicated it was to be considered that the blockade was of course, established. He would not regularly enter into questions which might afterwards have to be argued and decided in a prize court with regard to the regularity of the blockade. He had no doubt that the United States Government, always very cautious on the subject of blockades, had consulted precedents and taken the best legal advice before they had adopted the course which had been pursued. With regard to the question of his hon. Friend the Member for Finsbury, he must say that it was founded on rather on a vague statement, and he had not brought forward any particular facts upon which the Foreign Office could take any steps. His hon. Friend had alluded to the case of the master of a merchant vessel who had been tarred and feathered, but the case occurred several weeks before anything like the outbreak of civil war—at a time, in fact, when the whole country was at peace. There might have been some intention of secession, but no secession had actually taken place. There were rumours of a very disparaging character with regard to that master of a merchant vessel, and he was attacked and ill-treated by the mob; but the authorities endeavoured to arrest the rioters, and the English Consul stated that they had done everything that it was possible to do to afford him protection. That affair, therefore, had really nothing to do with the question of secession or civil war. With regard to such cases generally, he might refer to the steps which had been taken by the Government, and they were chiefly these:—They had desired that Admiral Milne should be present with a sufficient squadron, and orders have also been given by the Admiralty that other vessels should be sent out to strengthen the squadron in those seas. Lord Lyons had taken care to inform himself in regard to the law of the United States and of the seceded States in regard to persons serving in the militia. Those laws varied in different States in Europe, and they varied even in the different States of America. Lord Lyons had taken the opinion of counsel, and, no doubt, if any question arose Lord Lyons would entertain the matter with due discretion, having reference both to international law and the law of the particular State in respect to which the question arose. In the next place, without entering on the question of neutrals, which he should be ready to discuss at the proper time, he might state that Her Majesty's Government had been in communication with the French Government, and had made a proposition on that subject to the Government of the United States. He agreed with the hon. Member for Birmingham (Mr. Bright) that in respect to that unhappy quarrel, which had given the greatest pain throughout the whole of the country, no words should be used which would either tend to bring the country into the conflict or that might create exasperation or bitterness on the one side or the other. That a great and free nation like America should be exposed to all the evils of civil war was an event which every lover of liberty must deplore, and he hoped that the conflict, if it could not be averted, might, at all events, be a short one, and not interfere with the ultimate prosperity of the country.

Petition to lie upon the Table.

THE DERBY DAY.

ADJOURNMENT.

VISCOUNT PALMERSTON: I have to move, Sir, that the House at its rising do adjourn until Thursday. I think it will be for the very general convenience of the House that it should adjourn over Wednesday; and it is quite unnecessary to go into any details of the reasons which induce me to make this Motion, because I think that the reasons must be patent to every hon. Member.

MR. BENTINCK said, he did not rise for the purpose of offering any opposition to the very popular proposal of the noble Lord; but when a Motion was made which would have the effect of taking away one of those days which were considered at the disposal of private Members, it appeared to him a very proper opportunity to call the attention of the House to the position of private Members in respect to the business of the House, and which had resulted from the recent alteration which had been made in the mode of conducting business. When that alteration was proposed by the noble Lord he ventured to offer some opposition to it, on the ground that its effect would be to take away a portion of the time which had hitherto been placed at the disposal of private Members. The noble Lord assured them that such would not be the case; and that so far from it, in his opinion, it would rather add to the time at their disposal, because from the arrangement that Supply was to be taken on Fridays after the private Members' business was disposed of, a House would be kept, so that private Members would be always able to ensure that day for the introduction of the various topics which they might wish to bring before the House. What had really been the effect of the change? On Tuesday, the 14th, the House was counted out at a quarter before seven. They might be told that that was in consequence of the very uninteresting nature of the business which private Members brought before the House. But what happened on the two following Fridays? On Friday the 17th, a day on which the noble Lord assured them that they would have more time at their disposal in consequence of the Government being interested in keeping a House to go on with Supply, the House was counted out at a quarter past eight. That was bad enough; but last Friday it was still worse, for when the Speaker came down to take the chair there were not forty Members present to make a House, and, consequently, an immediate adjournment took place to Monday. Was it possible to imagine a more complete refutation of the statement of the noble Lord, or a more forcible justification of the opposition which he (Mr. Bentinck) made to the Motion? The inconvenience which had resulted to private Members had been still greater on account of the frequent and urgent appeals which had been made to them by Members on the Treasury bench to give way on the ground of public convenience. The Chancellor of the Exchequer had on a recent occasion entreated the House to go on with the business on the ground that great inconvenience would result to the public if the Budget Resolutions were not proceeded with. Now he (Mr. Bentinck) had always been under the impression that private Members gave way on the implied, if not expressed understanding that the Government should give its assistance in getting a House when private Members had Motions, so that the public time might be economised. To their surprise, however, so far from pressing on the public business, the Government appeared to have so much time at its disposal, or the public business was of such little importance, that it was of no consequence whether it was terminated a week sooner or later, and on the very subject with respect to which they were called upon to come to a decision some weeks ago, on the ground that it was of the utmost importance to have it settled, the Government had recently proposed a further adjournment of the debate. That rendered the position of private Members still more hopeless than it was before. They had been deprived of the privileges they had possessed up to the period of the alteration, and it was quite clear that they could not expect any assistance from the Government in getting that time which it was proposed to reserve to them by the arrangement then made. After hearing so much of the "independence" of the House, he was surprised that they should have so tamely submitted to the deprivation of one of their greatest privileges by an arrangement between the two front benches—namely, the Ministerial and the front Opposition bench. He did not blame those benches. It was natural enough that the leaders on both sides—those who were in office and those who expected to be in office—should do all they could to put a stop to the operations of private Members altogether, and he would do them the justice of saying they had always done their best to carry out that principle. But he did blame that want of independence on the part of the House in general which allowed it to be deprived of its rights and privileges. He had cited pretty good proof of how the new arrangement was likely to work, and if no more influential Member took up the subject he should attempt to induce the House to reverse the injudicious decision to which it had lately come.

MR. DISRAELI: Sir, I feel it my duty to say, having been one of those who were responsible for the change in the course of public business on Fridays, that I certainly did so on the clear understanding that the Government would feel it his duty to secure a House on that day. On some occasions, no doubt, a "No House" may be beyond the control of the Government, but this does not seem to have been the case on Friday, for I am informed that when the adjournment was declared only two Members of the Administration were present. Now, there ought to be a clear understanding on this subject, and the noble Lord should, I think, give us an assurance that the Government will consider it their duty always to make a House on a Friday. When, indeed, I recall the language of the Standing Order on the subject, I very much doubt whether, strictly speaking, the House ought not to have met last Saturday. The Standing Order, if I recollect it, says that the House after its meeting on Friday shall, without the Motion formerly made, adjourn at its rising until the Monday; but the Standing Order, I think, cannot have applied to the case of last Friday, because the House did not really meet them at all. If that be so our proceedings were altogether irregular, and the Speaker ought to have resumed his seat, and, if possible, to have formed a House on Saturday. All this shows that our proceedings in reference to the recent change in the mode of conducting our business, are of a very crude character, and it will be very desirable, therefore, to arrive before long at some general conclusion which will be more satisfactory to the House. At all events, I trust the noble Lord will assure us that he will consider it one of the duties of the Government always to make a House on a Friday, and to give us those advantages which certainly on the part of the Government were undertaken to be secured to us.

VISCOUNT PALMERSTON: I can assure hon. Members that the Government themselves regret that no House was made on Friday last, because we ourselves had business which we should have liked to bring forward. That "No House" was the result of accidental circumstances, but, undoubtedly, it would be the desire of the Government to secure, if possible, the making of a House on Friday. As to the other instances mentioned by the hon. Gentleman, I can only say that, if private Members bring forward questions of interest, other private Members will probably attend and listen to them, but if they do not think it worth while to do so, it is not in the power of the Government to make them. While it may be the duty of the Government to make the House on Fridays, keeping the House must depend on private Members rather than upon the Government.

SIR JOHN PAKINGTON said, he would remind the noble Lord, that by an old Parliamentary tradition there were certain Members whose duty it was both to make a House and to keep a House.

Motion *agreed to.*

House at rising to adjourn till *Thursday.*

EDUCATION OF NEGLECTED AND DESTITUTE CHILDREN.

SELECT COMMITTEE MOVED FOR.

SIR STAFFORD NORTHCOTE, in rising to move for a Select Committee on the subject of the Education of Neglected and Destitute Children, said, that a conference had been held at Birmingham in the autumn, at which it was determined to bring the matter under the consideration of Parliament, and he was requested to submit it to the House. Parliament was in the habit of granting every year a large and increasing sum, amounting in the present year to upwards of £800,000, for the promotion of national education among the children of the poor. That sum was applied in educating children ranging from the lower ranks of the middle classes down to a certain level among the lower classes. It was, of course, distributed subject to certain conditions, with a view to prevent abuse, and those conditions were such that the fund did not reach the children of the poorer classes below a certain level. Now, how were these children provided for? Provision was made for the education of some of them in workhouses, and certain funds, amounting to £80,000, were voted annually for the education of others in reformatories, and in certified industrial schools; but these votes were on a totally different footing from those made for the promotion of national education. The last-mentioned sums were granted in aid of the eleemosynary efforts of charitable persons and of certain fees paid by the poor. The State did not profess to educate anybody gratuitously in these schools. But in the workhouses the State stood towards the children *in loco parentis,* and both maintained and educated them, while it assisted private efforts in establishing reformatories with a view to prevent and decrease crime. Certified industrial schools, again, were intended for certain vagrant classes of children who might become criminals, and for whom it was thought desirable to provide in this way; and these schools stood in the same relation to reformatories as reformatories did to prisons. But in distributing the funds voted for these schools it was also necessary to attach conditions in order to prevent abuse, and it thus happened that there was a class of children who were not comprised in the reformatories, in the industrial, or in the national schools. With regard to reformatories and industrial schools, it was necessary to say that children should only be admitted there by a sentence or an order from a magistrate, and should have brought themselves within the cognizance of the law in some specified manner. But there was a large and important class of children who were below the standard practically fixed by the education grants, but who were also above the grants in aid of reformatories and industrial schools, and the question he wished to submit was, whether the State proposed to do anything for these children, and what it proposed to do? That question was one of great difficulty, and it was for that reason, and not to carry out any preconceived idea of his own, that he asked for an impartial Committee to examine into the subject. The range of its inquiry need not be very wide, and it would be easy during the remainder of the Session to condense the information which it would be necessary to obtain and to arrive at a practical conclusion. But it would probably be said, "The whole subject has already been inquired into by a Royal Commission, which, after sitting for a period of three years, has produced very recently an elaborate Report. This Report is still *sub judice;* the evidence on which it is founded has not yet been presented; and it is improper as yet that any one should ask for further inquiry into the subject." It might even be said that he was showing disrespect to the Commissioners by taking that course, and was casting a slur upon their labours; but to such an indictment he did not plead guilty. He had the highest respect for the Royal Commission, for amongst them were some of his most intimate friends: Sir James Coleridge for instance. It was quite certain they had conducted the inquiry with a desire to arrive at a right conclusion, and they had also produced a Report which he did not hesitate to say was of the highest value. It was not quite clear, however, from what had occurred in "another place," that the Government were prepared to accept the conclusions of the Commission in their entirety. At present the Government had the Report under their consideration, and next year, probably, Parliament would be called upon to take some steps to give effect to the Report, or, at least, to so much of it as the Government might ultimately see reason to adopt. He was anxious, however, before those steps were taken, that that part of the inquiry should be completed which the Commissioners had left incomplete, and that the House should have before it full information as to that class of children which fell between the two classes now receiving the grant. The first point which he should have to establish before the Committee would be the existence of that class, because he had heard it said that there was no such class. The fact was that that unfortunate class were sunk into such a low state of ignorance that they were not only ignorant themselves, but the cause of ignorance in others, and there could be no more conclusive ground for the necessity of a Committee than the fact that there were persons who denied their existence. What he desired was to bring such persons as Dr. Guthrie, Miss Carpenter, and others who had gone into the large towns and brought back tales of what they had discovered there which one could scarcely believe, face to face with a Select Committee which might criticise their statements, and might say how far that class of children was a proper object for a share of the educational grant. The next point, after establishing the existence of the class—and that was admitted by the Royal Commissioners—would be to inquire what means there were for providing education for them. In the first place there were the ordinary pay schools, and it would be a question deserving consideration whether these schools were suitable to them, and whether they were able to comply with the conditions of those schools. No doubt a certain number of them might be admitted into these schools, either at once or after a certain ordeal. Some people seemed disposed to say, "Why don't they make themselves nice and tidy, and go to school like other children?" but that was very like the old story of the French Marchioness, who, when she was told that the people were starving for want of bread, said they were very silly, then, not to eat buns. Then, it was said that it was no part of the duty of the State to supply the neglect of the parents, and that if children were so unfortunate as to have parents who would not send them to school, it was not for the State to interfere with them. He, for one, was prepared to controvert such a position. The whole principle of the education grant was an eleemosynary one. The parent paid something, but the State paid a great deal more in order that the child might have an education worth having; not for the sake of the parent but of the child, and because it was thought important for considerations of State that the children of the State should be well educated. For that purpose the State stepped in and gave double or treble the amount paid by the parent; for out of the annual cost for educating each child the parent was only called upon for 6*s.* 6*d.*, while the State paid about 10*s*, and private persons about 11*s.* per annum. Surely, therefore, if that eleemosynary principle were adopted in one case, it ought to be applied to that unfortunate class of children out of which our criminal population was recruited. If the parents of these children were unable or unwilling to give anything, that did not discharge the State of its duty. But then it might be said that these children might be sent to certified industrial schools and other schools conducted on that principle. If the country were ready to make education compulsory, then that course might be adopted; but it would be some time before that principle could be adopted here, and until it was so, the schools in question would no meet the wants of the class, since they were open only to children who were in some sense offenders against the law. To return to the question whether the pay schools were fit for that class of children or the children fit for them. On that subject he trusted hon. Members had read the Report of the Commissioners. These children did not want a high-class education in matters of literature; but they wanted the rudiments of education—reading, writing, and arithmetic, and sound, moral, and religious training. No doubt the pay schools were exceedingly well managed, but they did not supply the particular kind of education which these children particularly wanted, and the whole tone of the Report of the Commissioners showed that such was the case. The Commissioners reported that the children did not remain at such schools sufficiently long in some cases even to be able to read and write; and that the religious instruction in them was non-intelligent, and the lessons imparted to them not calculated to form a religious character. These schools did not supply that sort of moral and religious training which, in the case of the lower classes of children, was the one thing they wanted. The teachers were generally very young men who had received an education of a refined character, and they naturally shrank from contact with ragged and dirty children. They had not the knowledge of, and sympathy with, human nature, which alone enabled the masters of ragged Schools to deal with outcast vagrant children, and to reclaim them. The pay schools were not the proper schools for these children even if they could get in there, and, if they did get in, they would disarrange and do a great deal of mischief to those schools. He made those statements partly on what he found in the blue-book, partly on what he heard out of doors, and partly on what had fallen under his own observation. He did not want them to take his statements for granted. He was asking for a Committee to examine into the whole subject, and he indicated what his views were, because he thought no one ought to move for a Committee who was not prepared with some views to lay before it, but he was ready to enter into a fair and impartial investigation of the whole matter. In answer to the objection that these children were so ragged and dirty as to be unfit for the better class of schools, it was suggested that benevolent persons might give them good shoes and clothes, and the necessary pence, in order to attend; but it was perfectly well known that in too many instances the good shoes and clothes would be turned into gin, and drunk by the parents. The Commissioners pointed out that a considerable number of these children might be provided for in pauper schools. The claim of the children to consideration was not denied, but each department in turn said it was not its business to provide for them. The Poor Law Board might admit a certain number who were the children of out-door paupers, but a great many were not the children of paupers, and it would be said that it was contrary to the principle upon which the Poor Law was administered to assist them. Some proposals of the Commissioners with regard to those children who fairly came within the pauper class would, if adopted, lead to a great improvement in the mode of providing education for them. But those proposals would necessarily give rise to considerable discussion, and very possibly the House would not adopt them; but, even if they did adopt those proposals, the whole class would not be provided for, and the Committee might inquire how they could be provided for if that plan were not adopted. A great deal had been said with regard to the certified industrial schools. No man looked upon those schools with more interest than he did, as, in conjunction with a right hon. Friend near him, he introduced a Bill to extend to England the system which prevailed in Scotland. He believed that the certified Industrial Schools were immensely valuable, but at the same time those schools had their limits, and it was impossible to extend them so as to take in all these children without serious inconvenience. As to expense, he was not bringing forward the question with the view of throwing any additional expense upon the funds of the country. He was anxious to see how they could most economically deal with these children, for deal with them in some way they must, and he believed that the certified industrial schools would be very much more expensive than other schools which would be found more efficient. A very excellent Bill was before the House, which he hoped would pass, but it must be remembered that that Bill authorized the Treasury to pay 3*s.* per week in respect of all these children. He did not say that it was an unnecessarily heavy charge, but he wished the Committee to inquire whether the education of these children could not be provided at a much less expensive rate? On the ground of expense, therefore, the certified industrial school was not the proper mode of dealing with these children; and, besides that, it was necessary, in order to prevent abuse, to have some safeguards which partook of a penal character, which introduced the interference of a magistrate, and which, to a certain extent, infringed on the liberty of the subject. They might say that any child who did any of certain acts should be sent to those schools, but unless they said that every child whose parents did not give it education should be sent there they would not reach the whole class. He had now spoken of the pay schools, the workhouse schools, and the certified industrial schools, and had endeavoured to show that none of them would meet the wants he had described.

There remained yet another class of schools —the ragged schools. He had avoided any mention of ragged schools in his Motion, and did not wish to bring that part of the question particularly before the House. He was bound, however, to express his opinion that much more use might be made of these schools than was done at present. It was said that they were disorganized and ill-managed, that they were draining the paid schools, and receiving children whose parents were able to supply them with education, and, in short, doing a great deal of mischief. Now, without questioning the conclusions of the Commissioners, he held that their own evidence showed that there was a strong case for inquiry into these schools, and for an effort to turn them to better account. For instance, in the Report of the Commission a broad distinction was drawn between the ragged schools in Bristol and Plymouth. Those in the former city were described as generally well conducted, and doing a great deal of good, and those in the latter town as ill-conducted and productive of evil. That was a conclusive reason for an inquiry into these schools, to ascertain why there were such differences among them, and whether those which were doing badly could not be assimilated with those which were doing well. The Report of the Privy Council, which had been just presented to the House, contained a passage from the pen of Mr. Ruddock, the Inspector of Schools in Gloucester, in which he spoke of the great care which was taken by the different committees of ragged and industrial schools in that city to confine them to the class of scholars for whom they were intended; and expressed his conviction that, as far as the schools which he had visited were concerned, few of the children in them would obtain any education whatever but for their existence. That was the evidence of an official and impartial authority, that some of these schools were doing good. The children were there, and something must be done for them. Did any one believe that, because there was no place for them in the official system, the class would therefore cease to exist, or that benevolent persons would not endeavour to deal with them? It was not right that a stain which they did not deserve should be thrown upon the character of the ragged schools, and that the education of the unfortunate children should be left to private charity, because it happened to be a difficult question how to treat them. If it could be shown that the ragged schools were doing only harm, then let the Government come boldly forward and suppress them. On the other hand, if the truth was that, although some of them might be bad, all were not so, then an earnest effort ought to be made to convert the worst of them into what the best were now. He trusted he had not said anything to give offence. Nothing was further from his wish than to cast any reflection on the Commissioners, but he felt strongly on the subject, and entreated the House not to say "Because there are difficulties in the way we will throw the thing overboard." All he sought was an inquiry; and if the House would agree to his Motion he would endeavour to procure as fair and impartial a Committee as possible. He felt that he might look with confidence for support from many Gentlemen on the Treasury Bench. He might appeal to the noble Lord the Member for the City, who had always taken a deep interest in the education of the lower classes. He entreated the House seriously to face the question boldly, and at least to respect the feelings of those who, like Dr. Guthrie and Miss Carpenter, had been labouring in the cause for many years, and who thought that justice had not been done to their efforts.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire, how the funds voted by Parliament for the promotion of National Education may be most efficiently and most economically applied, in the case of neglected and destitute children."

MR. LOWE: Sir, I have no doubt there is a strong desire on the part of many hon. Gentlemen that an inquiry of the nature proposed by the hon. Baronet should be granted, and if it can lead to any good I shall be very glad to see it instituted. It is no part of the business of the Education Department to stand in the way of any investigation of the kind which the House may desire. The subject is an exceedingly interesting one, and has been treated with great ability and candour by the hon. Baronet. I may say *in limine*, that as far as the Government is concerned, there is no objection to an inquiry on the subject. I must, however, take the liberty of objecting to the terms of the hon. Baronet's Motion. That Motion is to inquire—

"How the funds voted by Parliament for the promotion of National Education may be most efficiently and most economically applied, in the case of neglected and destitute children."

My first objection is that it assumes that the Commissioners were wrong in their recommendations. The Resolution is not merely a notice of inquiry by a Select Committee, but implies the proposition that the funds voted by Parliament for national education ought to be applied to the purposes of educating neglected and destitute children. I am not going to deny the truth of that proposition. I only ask the House not to assume it prior to the inquiry. I entirely deny that we ought to assume that the funds applicable for national education are the only funds applicable for the purposes mentioned in the Resolution. I deny it, because I find that the assumption is altogether opposed to the Report of the Commissioners. That Commission has certainly been one of the most laborious on record. It sat for three years, and the amount of attention and labour it has bestowed on the subject has been enormous. The arrangement of the Report is most admirable, and it is drawn up in so masterly a manner that, I believe, no one ever read a Parliamentary document which was less wearisome. It has thrown a flood of light on a difficult and complicated subject. No one except those who have the labour of conducting the department can do justice to the insight which it affords into many confused and perplexing matters which are obscured under the forms of routine. I entertain, therefore, the greatest respect for the Report and its framers, and I feel sure it will not be the wish of the House to throw any slight either on it or them. The recommendation of the Commissioners on the subject may be stated briefly as follows:—They think, whether rightly or wrongly, that to keep poor children for three or four hours a-day in a ragged school, and then to leave them for the rest of the day in the hands of vicious parents, is not an efficient way of educating those children. They hold that the better plan would be to remove the children during twenty hours of the day from the contaminating influences from which they are at present preserved for four hours in the ragged school; and they propose, with that view, an extension of the district schools, by which the children may be kept apart from their parents. It is not my business to assume that the recommendation is right. Indeed, I have not had time to study the subject sufficiently to pronounce an opinion on it. All I say is that it would be premature for the House on the present occasion to assume that the Commissioners are wrong. In consequence of the attack which has been made upon the Commission in "another place," I think it right to read the passage with which they conclude the part of their Report which refers to this subject. At page 404 they say—

> "In order to avoid the appearance of ingratitude for services of the most valuable, disinterested, and self-denying character, we conclude our observations on this head by recording our strong opinion that no class of persons interested in popular education have conferred greater services upon the public, or services involving greater sacrifices of personal convenience and inclination, than the managers of ragged and industrial schools and similar establishments. We think that the time may come when these generous and charitable efforts may advantageously be replaced by a general system; but the fact that they first directed public attention to the subject, and that their labours showed the extent and urgency of the evil to be met, and the proper means of meeting it ought never to be forgotten."

Language was used in "another place" which seemed to imply that the Commissioners made a dead set against ragged schools, and that they were incapable of doing justice to the admirable motives of those who had called them into existence. I think that the passage which I have read shows that such an accusation is entirely unfounded.

The second objection which I have to the wording of the Motion of the hon. Baronet arises from the structure of my own department. I apprehend that what the hon. Baronet desires is, that if the Committee should be convinced that these schools ought to receive public aid such aid should be extended to them in the manner least injurious to the public service. I do not ask the House to prejudge this point; but I must state that it is my strong conviction, confirmed by the opinion of every gentleman in my office, that if aid is to be given to these schools there are probably no hands in which you could place the duty of affording that aid so unfit to discharge it as those of my department. The main objects of the Educational Departments have hitherto been to raise the standard of education, to create a class of schoolmasters who are adequate to the task of popular instruction, to encourage parents to take an interest in the education of their children, and to contribute something towards it, and to treat the school not merely as a place where children receive intellectual instruction, but also as a place where they may learn order, cleanliness, respect, and the manner proper to beings who have to live in society. The plan upon which we have acted has been that, in exchange for the grants which we have made out of the public purse, we have bargained that those who received them should satisfy our inspectors upon these points — namely, that the masters were equal to the work of instruction, that the schools were well-built and ventilated, and the children cleanly and orderly. Now, it may be necessary, for I prejudge nothing, to have side by side with this system one of a totally different character. It may be necessary that the school should be brought down to the child, because the child cannot be raised to the school; that we should have schools in which much shall be tolerated which would be most disadvantageous to a school conducted according to the Government pattern, in which the children shall be dirty and offensive in their habits, and rude and uncultivated in their manners, for ragged schools exclude none of these. At present we deal with such schools to this extent—that we make them capitation grants, allow them to have masters of a lower class than are required in other schools, and exempt the parents of the children from the payment of school pence; the result being that these schools receive a smaller portion of the public money than do the ordinary educational schools. What is anticipated from the recommendations of this Committee is that the grants to these schools should be made rather in proportion to the necessity of the case than to the degree of progress, cleanliness, and good instruction which is secured in them. It may be right to make the grants upon such a principle, but it will never do for the Privy Council to make them. It will never do for the same department to have two systems, and for the Privy Council to say to the public, "If you have a school of a good class, which secures cleanliness, order, and right instruction, we will pay you so much; but if you open a school of an inferior class for poverty, misery, dirt, and destitution, with inferior instruction, little order, and rooms not half so well adapted to the purpose, we will pay you more." It will never do for us to go into opposition against ourselves in that manner. If we take such a course we shall break down our own system, and undo in a few years all that we have done by twenty years' successful operation upon the public, by means of which we have gradually screwed the system up to its present very creditable pitch. It may be necessary that this should be done, but ours is not the hand that ought to do it. When, in the year 1856, large grants were made to these schools, symptoms existed which showed that the new system was sapping the vitals of the old one. We had nothing but complaints from the inspectors and from the Committees of the Pay Schools that children were enticed away from them to these inferior schools, and it was on account of the deep sense which was entertained of the evil which this was doing to the system of elementary schools that the minute of 1857 was passed which altered the system. I do not ask the House to take the same view of that matter. Let this also be inquired into by the Committee. But if the words of the Motion are retained as they now stand, requiring that ragged schools should be supported out of the funds voted for national education, the Committee will have no alternative but to impose the duty of forming and managing the new system upon the Committee of Council. If the hon. Baronet will alter the terms of his Motion so as, while embracing the system of the Privy Council, not to confine the Committee to it, I see no objection to this inquiry. The words which I should suggest would be "to inquire how the education of destitute and neglected children may be most efficiently and economically assisted by any public funds."

SIR STAFFORD NORTHCOTE said, that he was quite willing to accept these words.

MR. HANBURY said, I rise to support the Motion made by my hon. Friend, and I wish that the duty I have to perform had fallen into abler hands, though I will yield to no one in the deep interest I have for many years past taken in the cause of destitute children. Whatever may be the result of the Motion just made I am sure the House and the country will feel grateful to the hon. Baronet for the ability and moderation with which he has dealt with the important subject before us. I will briefly state my reasons for the course I am taking on the present occasion. At the beginning of this year I was present at the Conference which was held at Birmingham for the purpose of discussing the subject of the present Motion, and I was much struck with the want of information manifested by many persons who attended that Conference. No two seemed to agree as to what was really wanted, or to have a clear idea of the nature of the institutions which ought to be assisted by public money.

"Ragged Schools" was the subject under discussion. In Scotland they are known as "Ragged Industrial Feeding Schools." In London such institutions are termed Refuges, Homes, or Industrial Schools. Ragged Schools in London are simply Educational Schools. In Scotland, and in some of the provinces, they are industrial likewise. I merely mention this to show how little the subject is understood even by those who are supposed to be fully conversant with its details. Surely a Committee of Inquiry would be most useful in order to ascertain the character of the institutions which are established for the benefit of the vagrant and destitute, and also fully to ascertain the nature of the class who are received into them. Various objections will, doubtless, be raised on the part of Her Majesty's Government; amongst others, it will be said that the Estimates will be increased to an unlimited extent if we begin to subsidize such institutions. This is far from our intention. I believe a considerable amount of money might be saved by a more judicious distribution of the educational grants. Many schools might be found at the present time receiving far more assistance than they ought, and the children who attend such schools are in many instances of parents fully able to pay for the education they obtain. On economical grounds it would be worth while to assist ragged schools, for it is quite evident their influence has contributed very materially to the decrease of crime. Is it not cheaper for the country to pay £10 to prevent a boy from becoming a criminal than £50 or £100 to punish him when he is become one? It will next be urged that the character of the schools would be entirely changed if they are assisted by grants. I cannot see how this will be. Our object always has been and is still to keep down as low as possible—and not in any way to raise the standard of the schools or the object we have in view would be entirely defeated. The inspectors (and I think these schools would be benefited by full and ample inspection) would be able to prevent this from being the case. The Government will, perhaps, say it is unwise and unfair to grant this Committee before the Commissioners have issued their last and final Report. Now, with regard to that Report, I do not wish to make a hostile attack upon it. It contains most valuable information, though I am not prepared to endorse all the recommendations I find there. Still, I venture to say it does not appear to me that the cause of ragged schools have received so full and impartial a treatment as they deserve—I do not think that evidence was taken from those most qualified by experience to give it. I think the House will be in a far better condition to legislate if it possesses the evidence which I believe would be brought before the Committee we seek. One word as to the good ragged schools have effected: Upwards of 300,000 children have passed through their purifying influence, and if it is not too much to suppose that 10 per cent have derived benefit, the result is far from insignificant. In page 382 of the Report I find it stated that 100,000 children receive no education. From this class juvenile criminals spring. How is it then to be accounted for that during the last five years there has been such a reduction in crime? In Mr. Sydney Turner's Report for 1859 he states there were 5,000 less commitments than in 1856. May we not infer that ragged schools have been partly instrumental in this great change? I firmly believe that ragged schools have been the indirect means of originating almost every institution in the United Kingdom during the last fifteen years for the prevention of crime and the reformation of the criminal. I am borne out in this assertion by reference to the document I have in my hand—a classified list published by the authority of the Reformatory and Refuge Union. I find there 175 such institutions accommodating upwards of 15,000 inmates—only fifteen of these were in existence previous to the ragged-school movement. In all large towns we find the ragged schools to be the pioneers of refuges, homes, penitentiaries, and reformatories; in fact, of all institutions for the mutual aid of the destitute and degraded. I feel we owe a deep debt of gratitude to the promoters of ragged schools for their noble self-denying efforts. Who can estimate the good they have done? It cannot be ascertained in this world. Although there is a great decrease in crime the number of destitute and vagrant children is not so great as formerly; yet my experience leads me to believe there are still thousands of children who can alone be reached through the agency of ragged schools. I wish to state that the voluntary refuges in the kingdom, institutions receiving this very class, the destitute and the vagrant, have been sadly crippled by the withdrawal of the 50*s.* a year Capitation granted by the Privy

Council in 1856, and withdrawn in 1858. Many of these Institutions, from my own personal knowledge must be closed, or else will have to admit children of another class, unless something is done to assist them more fully than at present. These Institutions are doing a great work, saving hundreds of children from being a burden to the country by training them to habits of morality and industry. It would, I know, be said, that if these Institutions were certified under the "Industrial Schools Act," they would be entitled to receive considerable assistance from the Home Office. In theory this is true; but unfortunately that Act has hitherto been almost inoperative, and either owing to a defect in the drawing up of the Act, or to public feeling being opposed to its principles, it has been found almost impossible to get children committed under it; the result has been that Institutions have had all the trouble of obtaining a certificate without receiving any advantages to which it entitled them. I heartily trust that the amended measure now before the House may remove some of these difficulties, but I feel however perfect the Act may be, there will always remain the necessity of our voluntary refuges. The Prince Consort stated some time since that there were "no less than two million children in England and Wales who were not at school at all, and whose absence cannot be traced to any legitimate cause. Can it, then, be said or thought there is little to do, or that there is any shortness of material? for surely it is but fair to infer that by far the larger proportion of these two millions of children belong to a class for whose benefit ragged schools are specially designed." If these cannot be found in ordinary schools, or in private schools, where are they receiving education? If not in ragged schools they must be in the streets. Believing, as I do, that ragged schools have done a great work, and are the only agency by which the destitute and vagrant can be properly reached, assured that they well deserve every possible encouragement and support, from public money as well as private benevolence, I have much pleasure in supporting the Motion, and earnestly hope that Her Majesty's Government will grant the Committee.

SIR JOHN PAKINGTON said, he had heard with great pleasure the unexpected answer given by the right hon. Gentleman, for he had understood from what he thought good authority that it was the intention of the Government to resist the Motion. Indeed, he was not sure that it might not be inferred from the speech of the right hon. Gentleman that on his part at least there was not some disposition to oppose the Motion. But he hardly thought it possible that the Government would have refused so fair and moderate a proposal, and he did not believe they would have been supported by the House had they adopted such a course. In admitting the necessity of some further action with regard to ragged schools it was not, however, to be supposed for a moment that he intended to throw the slightest disrespect on the valuable Report of the Education Commissioners. The House might recollect that the Commission was appointed in consequence of a Motion which he felt it his duty to submit; and on that occasion he received most valuable and efficient support from the noble Lord the Foreign Secretary, who at some time—at no very distant period, he trusted—would find leisure to look into the book, and would, doubtless, derive much satisfaction from having been concerned in its production. In every word of praise which had fallen from the lips of the right hon. Vice-President of the Council he fully concurred; he believed the Commissioners were deserving of every gratitude for issuing a most valuable and interesting compendium of the great subject of national education, and he hoped it would not be suffered to remain long without leading to practical results. But, as one part of that Report was directly at variance with the minutes of the Council, and went to prove that a class did not exist which was not only recognized but defined by minutes of Council, it was evident that inquiry must take place.

MR. DANBY SEYMOUR said, he hoped it would be distinctly understood that the Committee were to finish their labours this year, so that the House might again have the opportunity of considering the subject. The report revealed a new and unexpected fact—that there was hardly a child throughout the whole island who did not receive an imperfect education. The system had been brought so far that nearly every child received some education; the next step should be to improve the quality of that education, and he fervently hoped no obstacle would be thrown in the way of taking it. It was most essential that a year should not be lost, and before the end of the Session he hoped the Government would be able to state whether, and how far, it was prepared to carry out the views of the Commissioners. Nothing had been more misrepresented than the views of the Commissioners with regard to ragged schools. He thought their views could hardly be controverted. If aid was required let it be given; but if a new principle was to be introduced it should not be done on the authority of the Council of Education alone, even if the proposed Committee reported favourably on the subject, the proposal should be first submitted to the House.

MR. ADDERLEY said, he regretted that he was obliged to differ from the rest of the House on the question before them, but he wished to enter his solemn protest against the appointment of the Committee, that would overlay an investigation just completed by a fresh inquiry. The Report of the Royal Commission had just been presented, and before they had read that Report or even received the evidence on which it was founded, they were going to embark in a new inquiry. He protested against that course. It was a question of common sense. A Royal Commission had been instituted on a large scale and at great expense. They should, at least, read its Report before reinstituting an inquiry upon any part of the same subject. The Report contained 600 or 700 pages, it had only been published about ten days, few Members could have read it, and the evidence, filling five volumes, had not yet been distributed. The Commission must have cost altogether £40,000, and they were now going to institute another inquiry into the same subject again. He did not support the constitution of the Commission when it was proposed; he never thought it likely to effect much good, or to do more than make an historical digest of the subject, very interesting to read, but not likely to lead to any practical result. And the recommendations of the Report bore obvious marks of several contradictory opinions on the subject, and very little actual recommendation that would be practicable or possible to adopt. The evidence he would leave to the future consideration of the House. But he would ask the Government when that system of inquiry was to cease? He had observed that men generally came out of Parliamentary inquiries with exactly the same opinions as they had when they went into them; and under a cloud of inquiry the existing system would continue for a series of years. Continual inquiries were, however, very objectionable, and he hoped the House would insist on something like an end of them. What was to be the nature of the proposed inquiry about schools for destitute children as distinguished from the one just completed? The Royal Commissioners had taken Bristol and Plymouth as sample towns, and had reported that in the one case the ragged schools had worked well, and in the other badly. What could a Select Committee do more? They might, indeed, take twenty towns instead of two, and examine Miss Carpenter, Dr. Guthrie, and Lord Shaftesbury, but the only result would be that the evidence would be ten times as much as was produced before the Commissioners, though in kind it would, no doubt, be identical. For his own part, his views were more favourable to the conclusions of the Commissioners than to those of the hon. Baronet. The Commissioners said of ragged schools that they were to be considered an exceptional sort of institution, and that they were only useful in the nature of feeders to the national schools. The hon. Baronet allowed that there must be conditions attached to grants of public money in every national system, and the children attending the ragged schools were exactly outside the line of conditions which could be laid down in any organized system of schools whatever. He begged the House to bear in mind what had fallen from the right hon. Gentleman (Mr. Lowe), that it was impossible for any department of State to be worked upon two diametrically opposing systems; and if in this case there was a higher and a lower standard the latter would become the ruling standard, and the exception would shortly become the rule. The present system of education was not an eleemosynary but a voluntary system, supplemented by State funds, and if the Government once allowed it to be understood that upon the failure of voluntary efforts the State would supply what was needed they would soon destroy the whole voluntary system throughout the kingdom. The inquiry contemplated could not, he feared, do anything but harm; at all events, the House sought to discuss the Report of the Royal Commissioners before authorizing a further investigation even upon a single branch of the subject. But it was a mistake to suppose that ragged schools were not at present aided by the State. They came within the terms of the public grants;

they had the same claims as other schools, and practically they also had received the public money. Miss Carpenter's ragged school had a total income of £200 a year and received £50 a year from these Parliamentary grants. With regard to certificated industrial schools, the whole of them were dealt with by existing Acts of Parliament, and if it were wished to alter the terms of the grants to those schools, the proper way to do so would be to raise the question by means of amending Bills instead of by a vague, roving, interminable inquiry into the whole subject. The Government themselves had an amending Bill on the subject now before the House. He regretted that they had consented to a fresh inquiry.

SIR GEORGE LEWIS: I am unwilling to trouble the House; but after what has fallen from the right hon. Gentleman, I wish to make an observation on one point. It is not my business to defend the course taken by the hon. Baronet (Sir Stafford Northcote) but the proposal he has made seems by no means an unreasonable one. A Royal Commission was issued to inquire into the whole system of education in this country, and there was no exception, as far as I know, to the scope of its inquiry. A Report has been presented, written in a most lucid and comprehensive manner, containing an exposition of all the different branches of our popular and elementary teaching, and deserving all the commendation bestowed on it. The ragged schools and the other schools for neglected and destitute children, however, form but a very small part of the subjects discussed in this Report. The hon. Baronet differs from the recommendations of the Commissioners, and he disputes the correctness of the elements by which they are supported, and he asks the House to grant an inquiry. I cannot see that there is anything very unreasonable in that. My object in rising, however, is to observe that, as the hon. Baronet proposes only to institute an inquiry into the schools for neglected and destitute children, and does not wish to include those schools of which the character is mainly criminal, I trust that when the Bill which I have introduced for the amendment of the law relating to the Industrial Schools is brought forward, no objection will be made to that Bill on the ground that the subject is under investigation before a Committee. In giving my vote in favour of this Motion I wish it to be understood that I do not feel myself precluded from proceeding with that Bill.

MR. DILLWYN said, he was glad that the right hon. Secretary of State had agreed to the Committee. It had been said that Parliament gave £800,000 a year to raise the standard of education. He thought it ought to be given only to promote the education of the poorer classes, and that those who could afford to provide a better education for their children should do so at their own expense. He hoped this point would not be lost sight of by the Committee.

MR. CAVE said, that in reply to an observation for the hon. Member for Poole (Mr. Danby Seymour) he would refer him to the last Report of Mr. Morrill, one of the Inspectors of Schools, who showed that a large number of the poorest class of children still eluded the efforts made for popular education. That would form a very fitting subject of inquiry before the Committee.

MR. HENLEY said, he thanked the hon. Baronet for having brought forward his motion. He agreed in the commendation which had been bestowed on the Report of the Royal Commissioners, but there was so much contradictory matter in the way of opinion brought into it, that until the evidence was published it would be difficult to understand what it was that brought them to the conclusion at which they had arrived. They complimented the authors of these industrial schools highly, but then, in return, they gave them a slap in the face by wishing them to be snuffed out altogether. That was a specimen of the way in which most of the matters contained in the Report were handled. The right hon. Gentleman the Vice President of the Educational Committee, said his department was much too high up in the clouds to have anything to with these schools, though they received the most necessitous of poor children, the very class who wanted most looking after. He could not help thinking that the right hon. Gentleman (Mr. Lowe) had rather begged the question when he wanted to alter the terms of the Motion. The ragged schools, if he understood aright, already received some assistance from the State. The right hon. Gentleman, however, urged that the Commissioners in their Report declared that the ragged schools ought to have nothing, and, by his Amendment, called upon his hon. Friend to stand in the same position as if these schools were now receiving nothing, and as if the Committee were to go into a fresh case. That seemed to him to be rather hard upon his hon. Friend. He could not help remarking that nowhere in the recommendations of the Commissioners was there the least shadow of reference to the necessity of religious teaching in schools. He could not help regarding that as a capital defect in what was, doubtless, a very able Report.

Lord JOHN RUSSELL: I will not discuss the Report of the Commissioners, for I must confess I have not had time to read it. The question, however, now before us is not the merits of their Report, but the appointment of this Committee, and it is, therefore, important to understand what it is to inquire into. My hon. Friend the Member for Swansea (Mr. Dillwyn) appears to think that the duty of the Committee is to inquire in what manner the funds voted by the State are to be distributed. That, however, is not the object of the Committee. If that were the proposal before us, I should say let us by all means first study the Report of the Commissioners. What, however, the hon. Member (Sir Stafford Northcote) wishes to do is to inquire into the operation of the present system as it affects the education of neglected and destitute children. It is urged on one side—and that view is supported by the Commissioners — that the children who are sent to ragged schools are, in fact, the children of parents who can very well pay for sending them to other schools, but who are tempted to send them to ragged schools by the absence of the necessity for sending them clean and in decent clothing. On the other side it is said that a certain number of the children taught in these schools are the children of destitute parents who would not receive any education at all if it were not for the voluntary and charitable efforts of the promoters of the ragged schools. For my own part, I am inclined very much to agree with the hon. Baronet. I believe that where these ragged schools are conducted by persons who are careful in what they are about, and who take precautions in regard to the means of the parents, they afford an education to children who would not otherwise attend any school at all. That will be an important point in the inquiry, and connected with it is the ability of parents to supply their children with proper education, but who prefer rather to spend the surplus of their wages in gin. If the result of the Committee is to show that these schools are worthy of encouragement and support, another question will be in what way that encouragement and support ought to be given. I concur with my right hon. Friend (Mr. Lowe) in thinking that in such an event it would not be expedient to place under the same body two different systems—one a superior and another an inferior system of education. If these ragged schools are to be encouraged, it will, perhaps, appear that they ought to be conducted by some other machinery, and connected with another kind of management. When the Committee of Council of Education was established, I may say, as I took a considerable part in the arrangements then made, that one primary object was to improve the quality of education rather than to increase the numbers educated. That object has been answered. The standard of education has been greatly improved, and I should consider it most disastrous if the effect of any inquiry which we may now enter upon should be to lower that standard. Concurring, therefore, in the appointment of the Committee I think we should watch with jealousy any changes which would have the effect of deteriorating the quality of the education now given in the schools under the Committee of Privy Council.

Mr. LOWE said, it was quite true; as the right hon. Gentleman (Mr. Henley) had pointed out, that the Report of the Commissioners contained no reference to the subject of religious education in schools. The reason was that the Report was founded on the present basis laid down by the Committee of Privy Council, and it assumed that all the regulations of that system had been and would be observed.

Mr. HENLEY: That is not stated in any part of the Report.

Sir STAFFORD NORTHCOTE said, he felt bound to thank the Government for the kind reception they had given to his Motion. He cheerfully assented to the alteration suggested by the right hon. Gentleman, believing that the wider the scope of the inquiry, and the less the Committee were bound down as to the particular mode in which, or through which, aid should be given, the better. He had refused to bring the subject before the House until both the Report of the Commissioners and the Industrial Schools Bill were before the House. He found that the right hon. Gentleman the Home Secretary, in his excellent Bill on Industrial Schools, did not touch the class of ragged schools, and as the Report of the Commission also left these schools on one side, he thought the time had come for bringing the matter before the House. He could only say he should go into Committee entirely unprejudiced. As to the object to be attained he had a distinct impression, but in regard to the best mode of attaining it he had not yet made up his mind.

Select Committee *appointed*,

"To inquire how the Education of destitute and neglected Children may be most efficiently and economically assisted by any public funds."

House adjourned at Nine o'clock till Thursday.

HOUSE OF LORDS,

Thursday, May 30, 1861.

MINUTES.] PUBLIC BILLS.—1ª Felony and Misdemeanour; Boundaries of Burghs Extension (Scotland) Act Amendment; Public Offices Extension.

2ª Officers of Reserve (Royal Navy).

BANKRUPTCY AND INSOLVENCY BILL.

REPORT OF SELECT COMMITTEE. BILL REPORTED.

THE LORD CHANCELLOR said, he was instructed by the Select Committee on the Bankruptcy and Insolvency Bill to lay that Bill on the table, with the Amendments which had been made upon it. In order not to occasion premature discussion he would remain silent at present in regard to the Amendments which had been made by the Committee. Indeed, he thought some of them might be better called alterations than Amendments, and they were such important alterations as would require the serious consideration of their Lordships. He would move that the Bill, with the alterations, should be reprinted, so that their Lordships would be able to see in what respect it differed from the original; and he would move that the Bill thus reprinted should be taken into consideration on Monday week—so that ample time might be given to their Lordships to study the alterations made in the Bill. Of course it would be necessary for the Bill to pass through a Committee of the whole House, and he hoped that in the end it would be made generally acceptable.

Report from Select Committee made, and to be *printed* (No. 110). Bill *reported*, with Amendments, and *committed* to a Committee of the Whole House on *Monday* the 10*th of June* next; and to be printed as amended (No. 111).

MARRIAGE LAW AMENDMENT BILL.

COMMITTEE (ON RE-COMMITMENT).

THE LORD CHANCELLOR, in moving the re-commitment of this Bill, said, that as regarded marriages between Protestants and Roman Catholics no Bill had been introduced for many years which had met with so favourable a reception as the one now on their Lordships' table. The Bill had been referred to a Select Committee, when several alterations had been made. The most laudable and salutary objects of this Bill were to avoid clandestine marriages and to ensure proper evidence of marriage after it had been celebrated. He believed that all or most of their Lordships were agreed upon the provisions of the Bill, except the noble Lord the Chairman of Committees, who had, without notice, introduced a number of Amendments, some of which, although unnecessary, he would not oppose. This Bill was declared to be read along with Lord Lyndhurst's Act of 1854. One of the Amendments of his noble Friend proposed that there should be a registration of marriages under this Act; but he thought it better to reserve that for the Bill now before the House of Commons respecting the registration of all marriages in Ireland, whether Roman Catholic, Episcopalian, Presbyterian, or Quaker. But his noble Friend proposed two other Amendments to which he could not agree, as calculated to give offence to our Roman Catholic fellow subjects. One of these was that there should be a return of all places of religious worship in the Roman Catholic persuasion, and that this return should be made from time to time by the police. He thought this wholly unnecessary and objectionable. The other Amendment declared that any Roman Catholic who celebrated a marriage under this Act, but neglected compliance with any of its provisions, should be guilty of felony. This was wholly unnecessary, as this Bill was declared to be read with Lord Lyndhurst's Act, which already contained that provision. He trusted after these explanations his noble Friend would not think it necessary to insist on those two latter Amendments.

LORD REDESDALE apologized for not having given notice of the Amendments introduced. He was very much occupied at the time with the business of the House, and his attention was not drawn to the Bill till a very late period. The Amendments were actually written while he was in the House; and the moment his noble and learned Friend raised an objection he assented that the Bill should be recommitted and the Amendments printed, allowing ample time for their consideration. His noble and learned Friend having assented to the larger portion of the Amendments proposed, he would only say with regard to those objected to that he had no wish to do anything offensive or unnecessary, and, therefore, he would not insist on that Amendment with respect to priests neglecting to comply with certain of the provisions of the Act, as the noble Lord assured him that they would be guilty of felony without any such enactment; at the same time he did not see what offence could be given by declaring that to be felony under this Act which, according to the noble and learned Lord, was and ought to be felony. With regard to the registration of places of worship he thought it very desirable that there should be no doubt, and no room for any question being raised after the event, as to whether the place used for the celebration of a marriage under this Act was a lawful place for the celebration of such marriages; and although he understood that there was an objection to register on the part of the priests themselves he did not see why the police should not be required to make a return of the places of public worship for Roman Catholics in Ireland. His belief was, that unless the places were registered where marriages under this Bill took place in Ireland, one of the best securities against clandestine marriages would be lost. He would not, however, press that Amendment now, but unless it could be shown that the return by the police would be justly objectionable to Roman Catholics, he would ask their Lordships to give their assent to the clause on the Report.

After a few remarks from the Bishop of DOWN and CONNOR, who was understood to support the registration clause,

THE LORD CHANCELLOR said, he would not offer any further opposition.

House in Committee (on Re-commitment).

Amendments made; The Report thereof to be received on *Monday* next.

The Lord Chancellor

OFFICERS OF RESERVE (ROYAL NAVY) BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE DUKE OF SOMERSET, in moving the second reading of this Bill, said, he wished in the first place to state—because some misunderstanding had arisen from the circumstance that the officers of reserve were intended to have a special command for a special time over seamen of the Reserve—that the Bill had nothing to do with the Naval Reserve of Seamen. Its object might be briefly stated. Their Lordships were aware that the number of officers in the different ranks of the navy had been limited by Orders in Council. Captains were limited to 350, commanders to 450, and lieutenants to 1,200. It was clear that if the rank of lieutenant were filled up even to the number of 1,200 promotion to the higher grades would be very slow. The consequence would be, either injustice to the officers serving their country as lieutenants, or injury to the public service. Hence it was desirable, if it could be done, to avoid any large increase in the number of lieutenants. In France the number of captains was 110, and the number of lieutenants 680, and, consequently, promotion was much slower in the French navy than in ours, and the slow rate of advancement in that rank of officers was found to act very disadvantageously. When the second expedition to China was resolved upon in France so great was the discouragement in the naval profession that the Minister of Marine received in the course of a few weeks fifty-nine resignations, or applications to be allowed to retire from active service. The chances of promotion were greater in our Navy; but, at the same time, any one who looked at the *Navy List* would see that in case of war we had not a sufficient number of lieutenants for the service. How, in such an emergency, were lieutenants to be obtained? As regarded any immediate necessity our only resource would be to go to the merchant service. He was, under those circumstances, of opinion that it was expedient we should be prepared for any emergency which might arise, and with that view he proposed, by means of the present Bill, to empower the Admiralty to enrol a certain number of the officers of the merchant service with the rank of lieutenants and sublieutenants in the navy.

He further proposed, inasmuch as it would be impossible to include the necessary regulations for carrying out that project in an Act of Parliament, to lay them down in an Order in Council, while he should, of course, be prepared to submit to Parliament the details of the scheme. Their Lordships in dealing with the proposal would not fail to observe that the merchant seamen of the present day were a class totally different from those who occupied a similar position in former times. There were now many men in the service who, having obtained certificates under the Merchant Marine Acts of 1850 and 1854, were eminently qualified for the discharge of the duties which he comtemplated affording them an opportunity to perform. The great Steam Companies, for example, had men in their employment who, from their station in society, their character, and their professional acquirements their Lordships would at once perceive could not fail, if allowed to serve in the Navy as he proposed, to contribute to the maritime strength of the country. The suggestion that they should be allowed to serve had, he might add, originated with the officers of the mercantile marine themselves, who, seeing that it was open to all other classes of Her Majesty's subjects in time of war to come to the aid of their Sovereign and their country, were desirous of learning drill and gunnery exercise in order that they might avail themselves of the same privilege with the greatest possible advantage. What was proposed, therefore, was that officers who had commanded merchant vessels employed on sea voyages should on producing their certificates under the Merchant Shipping Act of 1854 be allowed to be enrolled at the discretion of the Admiralty, forming a species of naval reserve in time of peace. If the intentions and wishes of the Government in this matter were carried into effect much would have been accomplished towards removing that jealousy which formerly existed between the naval and merchant services, inasmuch as men would be attracted from the latter to the former who would naturally regard both with favour, who would be anxious to see the Navy prosper, and who, owing to the position which they would occupy, would be of great use in drawing additional men into the Naval Reserve in times of emergency. As things stood at the present moment we had in the Naval Reserve, as first-class seamen, thirteen men holding certificates of competency as masters, and sixty-nine as mates; there being also thirty-six men serving as mates who had enrolled themselves in the Naval Reserve as able seamen. That officers of the merchant service could, if war should arise, be employed in the manner which he proposed with the utmost advantage there could, he thought, be no doubt; but as the law at present stood it was not competent for the Admiralty to accept the offer of their services. It would not, he might add, be expedient that all who offered their services should be enrolled for the purpose, it being desirable that those first selected should be men who had obtained certificates, or who had commanded the steamers belonging to the large Companies, or been employed on long voyages. By adopting that course a highly qualified class of officers would be secured who would be available in a period of emergency, and who, when that emergency was at an end, would not be a clog upon the service.

Moved, That the Bill be now read 2^a.

THE EARL OF HARDWICKE rose for the purpose of asking their Lordships to reject this measure. The grounds on which he did so were not at all of a party nature; but, as an officer of the Royal Navy, he felt bound to attempt to preserve that service from the inroad which was proposed against it. He did not think the present Bill was at all called for; and if it were, he did not think it was brought forward in a manner which was likely to prove acceptable to the officers of the mercantile marine. He thought the speech of the noble Duke would not have much effect with them, seeing that he had told them that they were to be taken up one day and let down the next—in time of war to be made use of for the necessities of the country, and in time of peace to be quietly put aside. He was as sensible as was any man of the improvement in the character of the merchant service, and it was not from any want of sympathy with that service that he urged his objections to this measure—their character was well and favourably known by those who had served afloat. He remembered the merchant service when it was of a description very inferior to what it was at present; but it must be remarked that the Bill opened an entrance from the merchant service into the Royal Navy, without defining the position of those who were to be transferred from one to the other. The proposal in the Bill before the House would have the effect of admitting anybody who presented himself, and called himself an officer in the mercantile service—whether he had commanded a collier or a small trading vessel—into the Royal Navy. With regard to the great mercantile shipowners, such as Green and others, no one could avoid expressing admiration not only of the beauty of their ships but of the order and discipline of their crews; so that it was not out of any prejudice against the merchant service that he opposed this measure —he opposed it mainly for the purpose of preserving the Royal Navy from an unfair inroad which would be made upon them by the operation of this measure. Up to the present moment no necessity existed for the merchant service supplying the Royal Navy with officers. It appeared there were now no less than 348 captains on the Active List, of whom 116 were employed, and no less than 232 not employed. There were 440 commanders on the Active List, of whom 140 were employed and 300 not employed; and on the Lieutenants' List there were 855, out of whom 612 were employed and 243 were not; besides which there were on the different Reserve Lists 99 commanders and 98 captains. Many of these officers were ready, willing, and anxious to serve, and could do so with efficiency. It was in such a state of things that it was proposed to open the doors of the Royal Navy to the mercantile marine. This was by no means a new question to him; it had been mooted to the Commissioners by two distinguished gentlemen, members of the mercantile marine, who were upon it—Mr. Green and Mr. Lindsay. It was, therefore, no new idea, and it was one that had been cherished in the mercantile marine, because it was of course a great honour and advancement to officers in the merchant service to be admitted into the Royal Navy. But, then, their Lordships must also consider the position of the officers of the Royal Navy—men struggling in the service to get promotion, and many of whom were not employed. Under these circumstances it appeared to him a very great hardship was cast on the officers of the Royal Navy, and it would be viewed by the officers of the Navy in the same light as the attempt made the other day to introduce officers from the Militia into the Artillery, and would give the greatest dissatisfaction. It was said in that case that it was indeed very hard to introduce new blood into a scientific corps, and thereby interfere with the prospects and promotion of those who had studied hard and well. The case of the Naval service was very similar to that of the scientific corps of the Army. Youths came into the Navy by public competition, and went through a very severe apprenticeship for six years. If any persons desired to know what were the hardships that a midshipman had to undergo they could not do better than read the evidence of one of the witnesses examined before the Commissioners, describing the life of a midshipman: it was a life of education and study on the one hand, and of hard service on the other. Having undergone it himself, he might be allowed to describe it as a life of slavery; and when a youth was promoted from the rank of a midshipman to that of a lieutenant he took the greatest step he could do in the Royal Navy; it was a step from the position of a slave to the rank of an officer. They were now simply proposing to pursue a course that would intercept the progress of these young gentlemen, and prevent their promotion, and introduce into the Navy persons—whatever might be their skill as navigators—entirely ignorant of the regulations carried out on board of a man-of-war, of the discipline, and last, though not least, of the etiquette of the Royal Navy, and who could not be expected to do honour to the service to the same extent as those who had been brought up in it. These appeared to him to be very strong reasons why they should not pass a Bill which placed in the hands of the Crown the power of admitting officers of the mercantile marine into the Royal Navy, there to hold such rank as naval officers as the Lords of the Admiralty might please. Under this Bill that rank might be that of an Admiral or a Captain. Such a course would dishearten the Naval service, and would make them feel at once that this power which was placed over them might intercept at any moment their steps in the way of promotion. Of course, it would be the *élite* of the mercantile service that would be looked for to join the navy; but it was not likely that they would accept the position of inferior officers. When he first read the Bill he thought it had reference to the Naval Reserve, and that it was deemed advantageous to the Reserve to permit merchant officers, bringing a certain number of men with them, to enter the Reserve service; but it was now stated that there was to be an immediate admission into the Royal Navy of merchant officers, who, on enrolling themselves, were to be ready for service at any moment when the First Lord thought proper to call upon them, and were to compete with men who had entered the profession on the clear understanding that it was a distinct profession of itself, under the protection of the Crown, and that they were to rise in the grades of the profession according to their conduct, ability, and service. He was convinced that the first impression made by this measure would be one of great pain to the officers of the Navy; and if the Bill passed it would be at the present moment quite unnecessary, and extremely detrimental to the interests of the Navy. With respect to the rank of master, that was always open in a time of necessity to the merchant service, and there was no necessity for any Bill to admit merchant officers to that situation. This power dated from old times. When formerly the Crown hired their ships, they hired also the officers and crews, and supplied themselves only the armaments and fighting men, and when they took to building their own ships they retained the practice of employing the masters as navigators. He implored their Lordships not to pass this Bill, and he would move that it be read a second time that day six months.

Amendment *moved* to leave out "now" and insert "this day six months."

EARL GRANVILLE hoped their Lordships would not agree to the Amendment of the noble Earl, notwithstanding his great authority on the subject. The noble Earl disclaimed any party purpose in proposing his Amendment, and he believed no such feeling existed in his mind. But as all the Naval Lords of the Admiralty and officers of the highest position in the Navy approved of the measure proposed by his noble Friend, he hoped the House would not be misled by the statements which had been made by the noble Earl opposite that the Bill would prove detrimental to the interests of the Royal Navy. The noble Earl said there were only about one-fourth of the lieutenants employed, and three-fourths not employed. That was one of the reasons for passing this Bill. It was desired that promotion in the Navy should not be slackened; and if a large number of lieutenants were added to the Navy, that would stop promotion; while if the services of a certain number of the merchant service were accepted, promotion would go on pretty much as before after the exigency had ceased. At the close of the French war there were nearly 3,000 of these officers in the list, and this was fatal to promotion. He could not admit that the case of the lieutenants of the Navy resembled that of the officers of the Royal Artillery, when it was proposed to incorporate the Tipperary Militia with them. The officers of the Militia had received a superficial training as compared with the officers of the Artillery; while the officers of the Mercantile Marine, whom it was proposed to employ in case of need, would be men who perfectly understood their profession, and who would render invaluable aid to their country. If war broke out, and the Government were obliged to avail itself of the services of the officers of the Mercantile Marine, they would be untrained in the military part of their profession, while by the Bill of his noble Friend, when the emergency arose, they would have acquired training which would render them useful coadjutors in the defence of our shores and the honour of our country. There was no party question involved in this Bill, but their Lordships would take upon themselves a great responsibility if, from the supposed unpopularity of this measure, which was not borne out by facts, they deprived the country of a valuable means of defence in the event of war unhappily breaking out.

THE DUKE OF SOMERSET explained, that the noble Earl (the Earl of Hardwicke) was under a mistake when he said there were already more lieutenants than could be employed. He had been obliged, owing to the exigencies of the service, to make lieutenants as fast as possible, and when he could obtain from a captain a written assurance that he would take a young officer if he were made a lieutenant, he immediately appointed him to that rank. The necessities of the service made it desirable, in fact, that the ranks of the lieutenants should be increased. Every one who was fit for active service, was employed as fast as possible. There were some indeed, who, from considerations of health and family, asked for temporary rest, who had been in some cases forced into service. He had, indeed, regretted that men who had just returned from unhealthy climates were compelled to go to sea again directly, because there were not lieutenants enough. The operation of the Bill, therefore, in this respect would be exactly the opposite of that indicated by the noble Earl. It was said that to admit officers of the merchant service would impede the promotion of officers of the Royal Navy. Now, if, in case of war, men were brought in from the merchant service and employed in the position of naval lieutenants, a certain number would, no doubt, gain their promotion, and deservedly so. That would be very satisfactory to the Merchant Service. But it was reasonable to suppose that a great many would not even wish to enter the Navy, but would retire with their rank and some mark of distinction for having honourably served their country. The country, therefore, would get the benefit of their services in time of war, and the naval service would receive no injury from them in time of peace. He believed this Bill to be desirable in the interest of the Royal Navy itself.

THE EARL OF MALMESBURY said, he was not inclined to reject this Bill altogether, believing that a moment might arrive when the Royal Navy would receive useful additions from the officers of the merchant service; but he was not persuaded that any pressure existed for the passing of such a Bill. If war should break out, a measure of this kind could be passed through both Houses of Parliament in a week; but without any urgent cause he did not think their Lordships would sanction a measure which was alarming, certainly, if not injurious, to the officers of the Navy. It must be alarming to young midshipmen anxious for promotion to see officers of the merchant service made lieutenants and put over their heads.

EARL GREY understood the noble Earl who had just spoken not to object to the principle of the measure. If that were so he would submit to the noble Earl that, if the country was likely to want these men during war, it would be better to prepare them for their duties during peace. It appeared from the statement of the noble Duke that promotion in the Royal Navy was now going on as fast as possible, and that if war broke out every man would be wanted, and, if fit, would obtain promotion. It would be an advantage to the Navy to avoid throwing a great additional number upon the half-pay list, and this Bill would prevent the necessity of making any extraordinary addition to the Naval service. Therefore, instead of stopping promotion in the Royal Navy, the Bill would have just the contrary effect. It was well known that there were in the merchant service officers of the highest qualifications. In the great mail packet companies, for example, there were officers who kept up the highest discipline on board their ships, and who were, perhaps, more capable of putting a ship into any position in which it might be required, especially a steamship, than even the officers of the Royal Navy. It must be highly desirable that the country, in case of a war, should be enabled to avail itself of the services of officers possessing such high qualifications. The Government, on their responsibility, came to the House and asked them to pass the Bill as a measure that would contribute to the efficient defence of the country. Were their Lordships prepared to take upon themselves the responsibility of throwing out a Bill which was thus recommended, and against which so few objections were raised?

On Question, That "now" stand part of the Motion?

Their Lordships *divided:*—Contents 59; Not-Contents 56: Majority 3.

CONTENTS.

Campbell, L. (*L. Chancellor.*)

Cleveland, D.
Devonshire, D.
Newcastle, D.
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Cholmondeley, M.
Lansdowne, M.

Airlie, E.
Caithness, E.
Camperdown, E.
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Clarendon, E.
De Grey, E.
Granville, E.
Grey, E.
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Eversley, V.
Stratford de Redcliffe, V.
Sydney, V.
Torrington, V.

Carlisle, Bp.
Down, &c., Bp.
London, Bp.

Abercromby, L.
Boyle, L. (*E. Cork and Orrery.*)
Calthorpe, L.
Camoys, L.
Chaworth, L. (*E. Meath.*)
Chesham, L.
Churchill, L.
Cranworth, L.
Dacre, L.
Dartrey, L. (*L. Cremorne.*)
De Mauley, L.
Ebury, L.
Elgin, L. (*E. Elgin and Kincardine.*)
Foley, L. [*Teller.*]
Harris, L.
Hatherton, L.
Hunsdon, L. (*V. Falkland.*)
Lyveden, L.
Methuen, L.
Minster, L. (*M. Conyngham.*)
Monteagle of Brandon, L.
Mostyn, L.
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Rivers, L.
Skene, L. (*E. Fife.*)
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Sundridge, L. (*D. Argyll.*)
Taunton, L.
Vaux of Harrowden, L.
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Manchester, D.
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Coventry, E.
Derby, E.
Ellenborough, E.
Graham, E. (*D. Montrose.*)
Hardwicke, E. [*Teller.*]
Harrington, E.
Hillsborough, E. (*M. Downshire.*)
Lonsdale, E.
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Winton, E. (*E. Eglinton.*)
Hutchinson, V. (*E. Donoughmore.*)

Boston, L.
Castlemaine, L.
Chelmsford, L.
Conyers, L.
Delamere, L.
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Digby, L.
Dinevor, L.
Farnham, L.
Moore, L. (*M. Drogheda.*)
Polwarth, L.
Raglan, L.
Redesdale, L.
Saltersford, L. (*E. Courtown.*)
Saltoun, L.
Silchester, L. (*E. Longford.*)
Strathspey, L. (*E. Seafield.*)
Templemore, L.
Tredegar, L.
Walsingham, L.
Wynford, L.

Resolved in the *Affirmative;* Bill read 2^a accordingly: and *committed* to a Committee of the Whole House on *Monday* next.

SYRIA AND TURKEY—THE DRUSE PRISONERS.—QUESTION.

THE EARL OF CARNARVON rose to call the attention of Her Majesty's Government to the death of the Druse chief, Said Bey, in prison at Beyrout, and to inquire the decision arrived at with regard to the other Druse prisoners. About five or six weeks ago he inquired of the noble Lord the Under Secretary for Foreign Affairs as to the intentions of the Turkish Government with regard to Said Bey and the other Druse chiefs, and, therefore, it was unnecessary for him now to allude to all the circumstances of the case; it would be sufficient merely to say that on the faith of certain assurances the Druse chiefs had surrendered themselves to the Turkish authorities at Beyrout; that Said Bey was one of those who gave themselves up as prisoners upon the assurance that justice would be done by them; and that though he had been declared innocent by Her Majesty's Commissioner in Syria, and though his innocence had been confirmed by the British Government, sentence of death had been passed upon him. So far from these assurances having been observed the proceedings had been from the first to the last unjust. When he (the Earl of Carnarvon) alluded to the matter on the former occasion Said Bey was in prison; but in consequence of a protest by Lord Dufferin, the British Commissioner, supported by Sir Henry Bulwer at Constantinople and by the British Government at home, the sentence of death was remitted. He (the Earl of Carnarvon) then endeavoured to impress upon the Government the injustice of allowing a man whom they had declared innocent to remain in prison. He had heard with great regret within the last few days that Said Bey expired a short time since in confinement, and the first inquiry he wished to make was, what was the cause of death? Under ordinary circumstances this would be an unnecessary question; but as their Lordships were aware in the East there was but one step from the prison to the grave, and there were at this moment in circulation in Beyrout reports that, both for the credit of the Turkish Government and of this country, should be investigated. It was affirmed that this chief met his death not from natural causes but by unfair means; and he (the Earl of Carnarvon) was bound to say that when he was in Beyrout some months ago there were tales of harshness and severity practised upon the prisoner, of communication with friends from which he had been needlessly excluded, and of circumstances of such a nature as exposed the Turkish authorities at all events to very grave suspicion. He trusted that nothing but unusual restraint, deferred hope, and the languishing of a spirit under an unjust imprisonment had produced Said Bey's death. But whatever the immediate cause, the death of Said Bey was disgraceful to the Turkish authorities, and reflected little credit upon this country. Said Bey and other Druse chiefs came down from a position of impregnable security, and surrendered themselves upon a guarantee of fair and impartial treatment by the Turkish Government in the first place, and in the next place of a guarantee which, if not actually, yet by implication, was given to him by the English authorities at Beyrout. There could be no doubt as to the distinct promise of Fuad Pacha, for on the 13th of September last year Lord Dufferin, writing to Sir Henry Bulwer, mentioned the guarantee, stating that complete security was given to those who were able to clear themselves of all participation in the late atrocities, and that against those who failed to appear judgment would go by default. But the Druses knew by experience of former years that they could not place reliance upon any proclamation issued by the Turkish authorities; but Major Fraser, whose slightest word, as an English agent and officer, would have had weight, seemed to be perfectly aware that the security was upon the faith of the British Government also, for he wrote to Lord John Russell that the Druse chiefs would have no objection to have their culpability tried by Englishmen, but though they were willing to accept British authority they would submit to no other. Again, Lord Dufferin, in his instructions to the Vice Consul appointed to watch the proceedings against the Druses, reminded that official that he was placed in the court for the express purpose of affording a guarantee to Europe that the judicial investigation would be conducted in such a way as to secure that the innocent should not suffer; and that was all that the Druse chiefs asked for when they consented to give themselves up at Beyrout. The noble Lord the Foreign Secretary in very strong language admitted that the faith of England was pledged to the proper treatment of the prisoners, for he said, in a despatch dated so recently as the 18th of March in the present year—

> "It is said that the Consul-General Moore induced the Druse chiefs who surrendered at Beyrout to give themselves up upon the assurance that they should have a fair trial. If this is so, it increases our responsibility."

It did appear to him that it increased our responsibility greatly, and it would tell very little for our credit hereafter that a chief attached throughout his life to English interests, and, in fact, suffering persecution on account of that attachment, who gave himself up a prisoner upon the faith of a British guarantee that he should have a fair and impartial trial, yet suffered an unjust sentence, was allowed to languish for months in prison, and to die no one knew how. In former years he had known this unfortunate chief and enjoyed a hospitality which had been freely shown to English travellers; and he had now no words to say with what pain he heard of his cruel and unmerited fate. But the wrong, such as it was, had been done, and he would not trouble their Lordships further upon that point; but there was still a door open for an act of justice to be done, and it was to this that he wished particularly to call the attention of Her Majesty's Government. The wife and family of the chief were undergoing the deepest and most unmerited suffering, and were, indeed, glad to find shelter in the meanest hovels. She was a lady of great distinction, and Said Bey himself had been possessed of considerable wealth, but the whole of his property had been confiscated, and he wanted to urge the Government to use their fair and legitimate influence with the Turkish authorities to procure its restitution to those against whom not a single charge had been made, and whose only crime in the eyes of Turkish functionaries was the possession of property. The friends and fellow-prisoners of Said Bey surrendered upon precisely the same terms as that chief, they were sentenced by the same unjust verdict, and they were exposed to the same death that he had suffered. He could not conceive a case in which it would be more natural for Her Majesty's Government, they having expressed a very decided opinion upon the case, to use their influence to obtain the liberation of these unfortunate Druses, and the restitution of their property.

VISCOUNT STRATFORD DE REDCLIFFE: My Lords, it is not without reluctance that I claim your Lordships' indulgence while I stand for a few moments between the question of my noble Friend who has just sat down and the answer to which he is entitled from this side of the House. My reason for taking this liberty is simply that, having myself to ask a question, of which the noble Baron who represents the Foreign Office here had notice from me this morning, I understand from him that he would find it more convenient to be put into the position of answering both questions at once. Before I proceed to put my own question I beg to express my concurrence with the noble Earl who preceded me in the feeling which prompted him to call your Lordships' attention to the case of Said Bey Joublat. I need not repeat the circumstances so fully stated in his speech; but I may be allowed to say that, the distinguished Druse chief known to us by that name having been judged worthy of release from the sentence of death passed upon him, and relieved from its execution at the instance of Her Majesty's Commissioner in Syria approved by Her Majesty's Government, I cannot but think it behoved the Turkish authorities to open his prison doors without delay or hesitation. Whether his death in confinement was truly attributable to poison or to a natural cause it may now be too late to decide; but any one who, in the course of his travels, has had occasion to visit a Turkish prison will not think it necessary to call in the aid of poison in order to account for the Bey's premature decease. What prisons were in most parts of Europe a century or two ago a Turkish prison is to this day, and I should have been glad on that account to have heard it stated that the same sense of justice and feeling of humanity which saved the condemned man from execution had also operated to deliver him from prison without any unnecessary delay. Passing to the question which I have to address to my noble Friend on this side of the House, I propose to state it in few words, and I trust that the explanation which must accompany my statement may be also given with a due regard for your Lordships' time. A daily newspaper informed the public this morning that, according to the latest intelligence received from Constantinople by telegraph, it had been settled by the representatives of the allied Powers, on the suggestion of France, that Syria should be governed henceforward by a Christian chief. I wish to know, on official authority, whether this intelligence may be relied on? and also whether the chief in question is to be a native or a foreigner, and whether his power is to be confined to the Lebanon or extended to the whole of Syria? I beg, moreover, to to ask whether Her Majesty's Government are able to reckon upon the immediate completion of the measures intended to insure the tranquillity of Syria on the retirement of the French army? The importance of these matters can hardly be over-rated. That the present occupying force will be withdrawn by the 5th of June I cannot for a moment doubt. From the first, indeed, I never entertained any serious anxiety on that score. The honour of the French Government was pledged to the faithful execution of a measure adopted in common with their allies, and it would be painful to suspect a great and high-minded Power of seeking to evade, for any purpose of its own, and by a palpable breach of treaty, the fulfilment of an obvious international obligation. But we are exposed to danger of the same kind in another shape, and it behoves us the more to look to it in time, because we have been fairly warned of its eventual approach by the Ministers of France and Russia, by the published notes of M. Thouvenel and Prince Gortschakoff, who refuse to accept any responsibility in consequence of the withdrawal of the French troops, and hold themselves at liberty, should fresh disturbances break out in Syria, to re-occupy that province without incurring the restraint of a fresh convention. It is, therefore, of the greatest importance to know whether the arrangements for giving to the inhabitants of the country security after the withdrawal of the troops are sufficiently advanced to ensure their withdrawal within the six days yet to elapse; and those arrangements give that amount of security which will prevent embarrassment in case of disturbances arising; and whether in the event of a state of extreme insecurity arising it is intended to send a further force into that country? It cannot be denied that if France and Russia, either or both, were to act in the sense indicated. Her Majesty's Government would in all likelihood be thrown into a state of serious embarrassment, attended with danger to our peaceful relations. The temporary measure already announced of keeping a squadron on the coast of Syria, with orders for a force of marines to be disembarked in case of renewed disturbances on shore, would hardly suffice to guarantee the tranquillity of the interior, and if one of our allies were to effect a landing of larger proportions, we should be reduced to the alternative of either doing the same at much cost and risk, or leaving a single Power in the uncontrolled command of a most important province of the Turkish Empire. Were it felt that our interests and those of Turkey imposed upon us the duty of meeting the supposed measure by a firm resistance, the probability of our being carried into a hazardous and unfriendly position towards France would, beyond a doubt, be greatly increased. It is mainly for these reasons that I am anxious to ascertain what progress has been made in preparing adequate measures of security for the peace and good Government of Syria on the withdrawal of the foreign occupying army, and how far we may have reason to rely upon the efficiency of such means as may be finally, if they are not actually, adopted. I confess that I should view with doubt and anxiety the appointment of a Christian chief over the whole of Syria. Such an appointment confined to Mount Lebanon might be attended with less inconvenience and hazards, provided the power involved in it were shaped and restricted by a due regard for local considerations and existing claims. I am well aware of the difficulties attending the appointment of a viceroy; but I think it by no means impossible that arrangements may be devised whereby the security of the country may be insured and yet the Sultan's authority preserved. This is hardly the occasion, and certainly not the hour, for going into the particulars of this question. But I may venture to present to the House even in its present state those leading principles which, in my opinion, cannot with safety or justice be overlooked in framing a new arrangement for the protection and regular administration of Syria. The preservation of the Sultan's sovereignty, a fair administration of justice, independence of the internal administration in Lebanon, separation, as far as possible, of the tribes in that district, a special provision for the whole of Syria, in points of revenue, military force, and police, and also a general disarmment of the inhabitants throughout that mountainous region where the massacres of last year took place—these occur to me as the principles most to be kept in view, and, on the whole, best calculated to give an efficient and durable character to the pending work of settlement. It only remains for me to solicit an answer to the questions which I have already addressed to my noble Friend on the bench below me.

Lord WODEHOUSE said, he quite agreed with his noble Friend who introduced this discussion in the deep regret expressed at the melancholy end of the Druse chief, Said Bey, and the circumstances under which he died. If his noble Friend were right in supposing that Her Majesty's Government had given Said Bey, with the other Druse chiefs, a positive guarantee of safety, or that his life would be saved on condition of surrendering to take his trial, he should certainly feel that a grave responsibility rested on Her Majesty's Government. But, so far from this being the case, his noble Friend would find by referring to the blue book that Lord Dufferin most distinctly and positively refused to give this guarantee. At page 148 Lord Dufferin wrote to Sir Henry Bulwer, under date Beyrout, Sept. 21st, 1860—

> "I have the honour to inform your Excellency that since the publication of the notice alluded to in my despatch of the 13th instant, summoning the Druse chiefs to appear by a certain day before his Excellency Fuad Pasha to answer for their conduct, repeated applications have been made, in an indirect manner, by Said Bey Joublat, the most important of the Druse magnates, to Mr. Moore and myself, urging us to afford him some assurance of safety should he surrender to take his trial. To all applications of this nature Mr. Moore and myself have agreed to give an absolute refusal. We have felt that the only assurance we could give would be that justice should be done, and that his safety must depend upon his innocence. It is probable, however, that if a message of this description were sent to him he would misinterpret it into a cautious intimation that he might count upon English influence to secure his acquittal. Before the fall of Zahleh Mr. Moore enjoined Said Bey, on behalf of the English Government, to interfere, and to prevent the effusion of more Christian blood. There is little doubt but that, had he chosen, he might have prevented the catastrophe. He turned a deaf ear to all remonstrances, and the place was lost. Under these circumstances Mr. Moore and myself have agreed to refuse to have any communications with him whatever, and to leave it to his own discretion whether to surrender or to fly."

He thought, therefore, his noble Friend, Lord Dufferin, who had acted with great discretion throughout, had taken abundant means to secure himself against being supposed to have undertaken any responsibility in this matter. At the same time, it was quite certain that his noble Friend had omitted nothing he could do both to secure a fair trial to all the Druse chiefs, and also to save the life of Said Bey. His noble Friend had asked him as to the cause of Said Bey's death. Undoubtedly, the rumours he had mentioned had come to the ears of Her Majesty's Government, that Said Bey had died by foul means: but he was glad to assure him that there was the most positive and satisfactory evidence that he had died a natural death from pulmonary consumption — a disease under which for some time he had been labouring, and which was, no doubt, aggravated by his confinement. This fact was positively certified by medical men who had attended him; and although, as had been observed by his noble Friend behind him, a Turkish prison was not generally supposed to be a place in which a prisoner had a very large share of accommodation, Said Bey was placed in confinement in a room which, both for size and accommodation, afforded all the comfort which a prisoner could expect. There was, therefore, no reason to blame the Turkish authorities on that ground. He might further state that as soon as Her Majesty's Government learned that Said Bey was ill they did not lose a moment in sending by telegraph to Sir Henry Bulwer an order to interfere for his release, but before orders could be sent from Constantinople unfortunately Said Bey had died. It did not reflect any credit on the Turkish Government that no decision had yet been arrived at with respect to the other Druse prisoners. The matter had been left for the decision of the Sultan. There was every reason to suppose that decision would be fair one, and show the clemency of the Sultan, but at the same time he must add that he thought it extremely unfair that that decision should have been so long delayed. With regard to the property which had been confiscated, he was happy to be able to state positively, on the assurance of Fuad Pasha, that the property which belonged to the Druse chiefs would not be confiscated, and he might also mention, that Lord Dufferin stated that Fuad Pasha intended to reinstate the wife and children of Said Bey in his possessions. It was only fair to Fuad Pasha to add he had promised that the moveable property which had been laid hands on by the Turkish authorities would also be restored, or full reparation be given to those from whom it had been taken. As regarded the question put to him by his noble Friend behind (Lord Stratford de Redcliffe), whether it was true that the Government had consented to the proposal of the French Government that there should be one Christian Governor of the Lebanon, he must point out to him that in one respect that was a misdescription of the proposal. His noble Friend would find in the blue book laid on the table many despatches relating to the question of the government of the Lebanon, and he would observe, no doubt, that the first plan put forward by Lord Dufferin was one by which the whole of Syria should be placed under one Mahommedan Governor, with a Christian Governor to rule specially over the district of the Lebanon. That plan, however, which inferred a reconstruction of the whole government of Syria, was subsequently abandoned. Afterwards the Commissioners took into consideration the plan of a single governor for the Lebanon. That plan was recommended by the Commissioners. There was, however, a difference of opinion as to whether the Christian Governor of the Lebanon should be a native of the Lebanon or not; but it was not the fact that the proposition that there should be a Christian Governor emanated exclusively from the French; it had been recommended generally by the Commissioners. He would now only add that the proposal was under consideration at this moment—a conference was being held between the representatives of the different great Powers at Constantinople—that proposal, with many other details to which he would not now allude, would be discussed by the Commission, and some determination must be come to by them and be reported to their various Governments. As negotiations were now actually going on, he could not give his noble Friend any detailed information with respect to the opinions entertained by Her Majesty's Government on the different points involved; all he could state was that the question of having a single Governor for the Lebanon was now under the consideration of the Representatives of the Powers at Constantinople. As to whether the arrangements for the evacuation of the country were complete, it was obvious that that question was answered by the other, for since the Conference would deliver its opinion upon the whole question he could not say how soon the arrangements would be carried into effect.

House adjourned at a quarter past
Seven o'clock, 'till To-morrow,
half-past Ten o'Clock.

HOUSE OF COMMONS,

Thursday, May 30, 1861.

MINUTES.] PUBLIC BILL.—2° Drainage of Land.

NEW SOUTH WALES.—COINAGE.

QUESTION.

MR. ALDERMAN SALOMONS said, he wished to ask the Under Secretary of State for the Colonies, What steps have been taken, if any, towards making the Colonial Sovereign coined by the Branch of the Royal Mint at Sydney, New South Wales, a legal tender throughout Her Majesty's Dominions?

MR. CHICHESTER FORTESCUE said, no steps had been taken for the purpose of making the sovereigns coined at the Sydney Mint a legal tender in the other colonies or in the United Kingdom. With respect to India and the colonies the regulation of the currency and the coinage was left in the hands of the Local Legislatures, and, with respect to the United Kingdom, though the admission of the Sydney sovereigns here would be a matter of great interest to the colony, yet it was an Imperial, and not a colonial question, and would require to be settled by an Act of Parliament, and Her Majesty's Government did not see their way to propose any legislation on that subject.

DISTURBANCES AT MILAN.
QUESTION.

Mr. CAVENDISH BENTINCK said, he would beg to ask the Secretary of State for Foreign Affairs, Whether he will lay upon the Table any Official Accounts he may have received relative to the late disturbances at Milan?

Lord JOHN RUSSELL said, he was aware that there had been some disturbances at Milan, one of them connected with a circular issued by the Archbishop, and it was at one time suspected that they had political origin, but he did not think they were of importance enough to justify the laying the papers before the House.

THE VACANT SEATS.—QUESTION.

Mr. ALGERNON EGERTON said, he rose to ask the Secretary of State for the Home Department, Whether it is his intention to proceed during the present Session with the Appropriation of Seats (Sudbury and St. Albans) Bill?

Sir GEORGE LEWIS said, it was the intention of Government to proceed with the Appropriation of Seats Bill on the earliest possible day, and he hoped soon to be in a position to name a day for that purpose.

THE IRON GATES AT HAMPTON COURT PALACE.—QUESTION.

Mr. CAVENDISH BENTINCK said, he wished to ask the First Commissioner of Works, At whose request and for what purpose certain ornamental iron gates have lately been removed from Hampton Court Palace Gardens, and whether it is intended to restore such gates to their original position?

Mr. COWPER said, there were in Hampton Court Palace gardens certain richly-wrought iron railings, which had been put up in the time of William and Mary. These railings were greatly deteriorated by age, and were fast decaying. Corrosion went on under the paint; and so, in order to preserve these very beautiful specimens of English ironwork, they had been removed to London, with a view to their restoration. Afterwards they were to be exhibited in Kensington Museum, where they would form an important feature in the exhibition of English ironwork, and ultimately such portions as it was thought possible to replace would be set up again in the gardens, preserved, he hoped, from the decay which at present threatened to destroy them altogether.

THE GALWAY CONTRACT.
QUESTION.

Mr. LANIGAN: Sir, I wish to ask the noble Lord at the head of the Government, Whether the Representations made to Her Majesty's Government on behalf of the Royal Atlantic Steam Navigation Company, relative to a recent Letter of the Postmaster General in reference to the Galway Contract, have been considered, and with what result?

Viscount PALMERSTON: Sir, the only communication which Her Majesty's Government have had with the Company in question since the communication made to them by the Postmaster General consists of a very long and elaborate statement, comprising ten pages of closely printed matter, dated yesterday, and which I received late yesterday afternoon. The facts contained in that statement will have to be considered by the Postmaster General, and whenever an answer is prepared and given to the Company, that answer, together with the statement, will be laid before Parliament, in addition to the Papers already moved for.

Mr. BEAMISH: Are we to understand from the answer of the noble Lord, that it is the intention of the Government to withdraw the subsidy at present paid for postal communication between Ireland and America?

Viscount PALMERSTON: I have no hesitation in saying that in our opinion it would be advantageous to the commercial interests of the whole of the United Kingdom that a more rapid communication—as rapid a communication as possible, in fact, should be established between the United Kingdon and North America. My belief is, that Ireland is the part of the United Kingdom from which that commumication could best and most surely be established, and Her Majesty's Government are not indisposed to take into consideration, and, if they should think fit, to submit to the House any proposal for establishing that communication which is founded upon open competition, and which upon consideration might appear well calculated to accomplish the purpose.

Colonel FRENCH: Then we are to understand that the Government have determined not to continue the subsidy?

VISCOUNT PALMERSTON: The House is already in possession of all that has passed between the Government and the Galway Company.

MR. KER here rose and said, I beg to inform the noble Lord, after what he has stated of the intentions of the Government [" Order, order!"]

MR. SPEAKER: Does the hon. Gentle-propose to ask a question?

MR. KER: I wish to ask the noble Lord whether he is aware that a Memorial has been sent from the Corporation of the City of Dublin in favour of maintaining the Galway Contract, and also Memorials from the Corporation of Limerick and from the County of Galway to the same effect?

VISCOUNT PALMERSTON: I received a Memorial on the subject about five days ago, but I cannot say from what quarter it proceeded. I am not aware whether the other Memorials mentioned by the hon. Gentleman have been received or not.

BRITISH SUBJECTS IN THE CONFEDERATE STATES.—EXPLANATION.

LORD JOHN RUSSELL: I was asked, Sir, the other evening by my hon. Friend (Mr. T. Duncombe) a question respecting the treatment which British subjects were alleged to have received in the Southern States by being forced to serve in the militia. I had no information at that time, but I have since received a communication from Mr. Mure, the Consul at New Orleans, who says that an Englishman, who is named, had been seized and taken away to serve in the militia. He immediately made a representation to the Governor, who said he would give redress, and the Englishman was immediately released. It appears, however, that several other British subjects were afterwards captured, but the Governor declared that it was entirely against his orders, and was quite illegal. All these persons were liberated, and the Consul hopes that no similar case will occur.

CUSTOMS AND INLAND REVENUE BILL.

COMMITTEE.

ADJOURNED DEBATE. SECOND NIGHT.

Order for Committee read.

House in Committee.

Mr. MASSEY in the Chair.

(In the Committee.)

Clause 4 (Repeal of Excise Duties, Allowances, and Drawbacks on Paper),

MR. MELLOR said, that when he moved that Progress be reported, on Monday evening, the right hon. Gentleman opposite (Mr. Disraeli) very courteously invited him to proceed with the discussion, and was good enough to promise him a patient hearing from a silent if not admiring audience. No doubt the right hon. Gentleman was sincere, but after the speech of the hon. Baronet the Member for Tamworth he thought it proper to move that Progress be reported. But he must protest against the conclusion drawn from that Motion for adjournment. The hon. Member for Dorsetshire (Mr. Ker Seymer) avowed himself a West Indian proprietor; and, therefore, his opposition to this clause was easy to be understood. No doubt he would prefer a reduction of the tea and sugar duties. The hon. Member for the West Riding (Sir John Ramsden) objected to the repeal of the paper duty because he did not believe there was a surplus. Both of these Gentlemen had voted for a reduction of the tea duties. But he contended that it was no longer open to the Opposition, having once admitted the existence of a surplus by proposing a large remission of taxes in the shape of the tea duties, and having failed in that, to object to any remission of taxation whatever. To admit a surplus for one issue and to deny it for another was a most inconsistent course of conduct, which he was sure the House would never sanction. One objection raised to the remission of this particular tax was that the papermakers, who, it was said, were most affected by it, had not asked for the remission, but it was always the case where an Excise duty was to be repealed that those interested in things as they were were never very forward in asking for a change. Much had been made on this point of a circular placed in the hands of Members from Mr. Bohn, the publisher. But it should be remembered that Mr. Bohn was driving a most excellent trade, that he had a large stock of books on hand, and that the duty pressed less heavily on the class of books in which he dealt than on others. Naturally enough, therefore, Mr. Bohn was well contented with things as they were. He saw no force in the argument that the tea duties ought to have the preference because they were war duties. If a tax was a good tax it ought to be retained; if it was a bad one it ought to be repealed, whether it was a war or a peace tax. The best tax was that which produced the largest amount to the Exchequer with the least pressure on the industry of the country. The hon. Member for the West Riding objected to the repeal of the paper duty because the prospects of trade were so bad; but surely if trade were so bad that was a reason for relieving it from those burdens which put it on an inequality with foreign competition. The hon. Baronet the Member for Tamworth (Sir Robert Peel) the same evening professed the warmest allegiance and friendship for the Chancellor of the Exchequer: but he had certainly the oddest way of showing his friendship. When his vote was of no consequence he was full of allegiance, but when his vote was of importance, and a dissolution of Parliament or the fall of a Ministry was in question, he was either absent or voted against them. The hon. Baronet said, too, that if he thought an attack was being made on the Chancellor of the Exchequer he should be the first to stand by him; but surely everybody knew that the attack was specially directed against the right hon. Gentleman. Was it not notorious that all the appeals, the remonstrances, and the flatteries, addressed to the noble Viscount from the other side of the House were only meant to induce him to throw over the Chancellor of the Exchequer? He had certainly been astonished to hear them, for if there was one quality for which the noble Lord was distinguished it was for loyalty to his colleagues and those who put confidence in him. The hon. Member for the West Riding said, and the argument had been repeated again and again, that to send up a Bill for the repeal of the paper duty this year would be an insult, a provocation, and a challenge to the House of Lords. Now, if the House of Lords had refused to repeal the paper duties on the ground of their intrinsic merits, it might have been a challenge. But everyone knew that no noble Lord justified the retention of the duty on that ground—they all condemned it on principle. There was one noble Lord at all events that would not condemn the present course as a challenge, and that was Lord Monteagle, for his words last year were—"I ask your Lordships by agreeing to my Amendment to reserve to the House of Commons the opportunity of dealing with this tax next Session." It really appeared to him (Mr. Mellor) that there were hon. Gentlemen in that House more anxious to vindicate the House of Lords than were the Lords themselves. There was a very good reason why the paper duty should be selected for remission, because it was a tax more universally condemned than any other. It had been condemned by all those gentlemen in whom hon. Members opposite placed confidence, and it had been condemned by the Commissioners of Inland Revenue in their Report to the Lords of the Treasury. The noble Lord the Member for King's Lynn (Lord Stanley) had said that—

> "The tax was vexatious in collection; it impeded improvements in manufacture; it heightened the price of an article the demand for which already exceeded the supply, and pressed injuriously on the circulation of cheap literature and the diffusion of news."

The Earl of Derby, in answer to the deputation which waited on him last year, described the tax as "bad in principle and bad in practice;" and the right hon. Gentleman the Member for Buckinghamshire, in the debate on the Resolutions in 1858, which condemned the tax as "a permanent source of revenue," said—

> "I look upon the tax upon paper as one of those particular taxes which, when a favourable opportunity arises, I shall be very glad to see remitted and erased from our fiscal system. As well in a commercial as in a moral, literary, and educational point of view, I should be very glad if I felt it was consistent with my duty at this juncture to propose a remission of that tax."—[3 *Hansard*, cli. 125.]

The juncture spoken of as unfavourable had reference to a period when a number of insignificant duties, which were vexatious in themselves and unproductive to the revenue, existed, but those small duties were all repealed last year, and if there was a surplus no juncture could be more favourable than the present to remit the paper duty. The important question was whether a repeal of that duty would largely benefit trade, and in proof of the affirmative it was only necessary to refer to the effect of the reduction of the duty in 1835. Earl Granville last year stated that the reduction of the duty in 1835 to one-half was followed by such an increase of consumption and diminution of price that the duty raised became double the amount of duty remitted. Lord Monteagle, who, as Chancellor of the Exchequer, proposed the partial remission of the duty, stated on the same occasion that the revenue had increased from £715,000 to £1,400,000. It appeared from the memorial of the paper hanging makers that, in 1834, the total number of pieces manufactured was 1,050,000, and in 1859-60 it was 19,000,000. If they looked at other trades the same expansion had followed a repeal of Excise duties. The number of brickmakers had increased from 9,864 in 1841 to 31,768 in 1851, and the number of glassmakers from 7,407 in 1841 to 12,095 in 1851. The profits on bricks and glass were no doubt as good in 1851 as in 1841, and the increase of makers represented an enormous increase of employment. The case for the repeal of the paper duty was strengthened by the fact that it pressed unequally on different classes of paper, amounting to 125 per cent on the value of wrapping paper, and to only 20 per cent on cream laid post. The argument that the cases of bricks and glass were not analogous, because in those instances there was an abundant supply of the raw material, whereas there was a dearth in the supply of rags, was answered by a specimen of paper of excellent quality, made from straw, which, in the form of a circular, had been sent to himself and many other hon. Members. The mode of levying aggravated the burden of the paper duty. It had to be assessed on the paper when dry, or the maker would have to pay also on the moisture, and the papers used for serial works and newspapers had to be made wet again or the printing upon them would be very inferior. It had been estimated that this aggravation of the tax amounted to at least £6 per ton. The Commissioners of Inland Revenue, in pointing out the embarrassments in which they were involved by the difficulties of defining what was paper, had stated that they were collecting duty from A while they allowed B to send out goods of precisely the same nature without any interference from the Revenue officers. These arbitrary regulations prevented the application of paper to many useful purposes, and, of course, prevented the due extension of the trade. It was not a question now between tea and paper, but simply whether they would repeal the paper duty. Lord George Bentinck, whose biography had been written by the right hon. Gentleman the Member for Buckinghamshire, laid down the proposition that it was incumbent on wise statesmen to remit Excise duties in preference to Customs' duties, because, independent of the relief to the taxpayer, there was a saving in the expense of collection. The argument was not allowed to prevail in the case of the Corn Laws, but that was because the effect of the duty on foreign corn was to artificially raise the price of the home production, and to put money, not into the Exchequer, but into the pockets of the growers of corn in this country. He trusted that the repeal of the paper duty would not fail to receive the support of many hon. Gentlemen opposite, and especially of the noble Lord the Member for King's Lynn (Lord Stanley), who generally rose above mere party influences, and the right hon. Member for Hertfordshire, who had done so much by his writings to show how injurious the tax was to the interests of education and literature. Rumours were rife in every club that the Irish Members, having a quarrel with the Government in regard to the Galway contract, were going to take part with the Opposition. He did not believe that the Irish Members would be actuated by such motives. If they had a quarrel with the Government he was sure that they would fight it out manfully, and would not stoop to such conduct as was imputed to them. If, however, the Government should be defeated by such means, the victory of the Opposition would be quite independent of the merits of the question, and if a dissolution followed, he, for one, would be only too happy to meet his constituents in so good a cause. He thought that in such an event even the constituents of the hon. Member for Dorsetshire would be convinced that the battle had been won on a false issue, and by means which public opinion would not justify. Quoting the words of the right hon. Gentleman opposite, he would call on the Committee, in the interests of commerce and industry, in the cause of morality, in the furtherance of education and literature, to vote for the repeal of the paper duty.

MR. DISRAELI: Sir, I cannot help thinking that if hon. Gentlemen would think less of their constituents and more of the interests of their constituents we should be assisted in arriving at a more satisfactory conclusion on this question. Although, Sir, I was perfectly ready on Monday night to have come to a division, I shall avail myself of the opportunity for which we are indebted to the interposition of the hon. and learned Gentleman for placing succinctly before the House the views which I and those friends who act with me entertain upon the immediate measure in question, and upon those subjects with which now it is inevitably and inextricably involved. Sir, after the financial statement of the Minister, which was the origin of these protracted, renewed, and varied debates, there was in the House, on the part of several hon. Gentlemen whose opinions deserve respect, some suspicion as to the solidity of the surplus on which the measure of the Government was founded. I am yet at a loss to understand that the House of Commons would have exercised functions foreign from its highest duty when the financial statement of the Minister being before them, they had hesitated to submit the statement of the Minister to the severest scrutiny. I apprehend in so doing they were only performing their duty and pursuing that course which their predecessors have always followed. Sir, I apprehend that the principle which should guide the House upon such a question as the existence or non-existence of a surplus is one which may be accurately defined. If there be in the House generally a conviction that there has been on the part of the Government so much financial and so much political negligence as not to have duly provided for the public service and the possible exigencies of the state—I apprehend the House, if that be their conviction, have only one course to follow and only one duty to fulfil. It would be due to the Government—it would be due to the character of the House that they should call on the House to declare in a manner which could not be mistaken their want of confidence in the Minister who after such negligence was clearly incompetent to discharge the great duty and to bear the heavy responsibility of the Government. But, Sir, if, on the contrary, that be not the case, I do not understand how as practical men we can do otherwise than accept the statement of the Minister, and act as that statement justifies us in doing. And, Sir, on the first night of this debate, on the question of adjournment, I stated that I had not made up my mind on the question, and that I waited to listen to the explanation of the Minister on this very question of the surplus. I thought that I had on that occasion taken a usual course, and I know that I was influenced only by the desire of fair dealing. I was, therefore, surprised that the noble Lord the First Minister should have challenged the propriety of my conduct. Sir, the charges that were brought—the criticism rather that was offered on the elements which form the surplus of the Chancellor of the Exchequer, were of a grave character, that required consideration, and explanation by the Minister. Those points were ably stated to the House. We had the advantage of listening to the answer of the Government upon the main questions which were raised in that discussion. The Chancellor of the Exchequer on the one hand publicly declared, regarding the payment from China, that he had contemplated all those objections urged against his Estimate, and offered explanations on certain points on which great uncertainty existed, and a repeated statement on his part that he had no doubt that the money on which he counted would reach him. The noble Lord, on the other hand, with respect to that objection to the surplus, founded on political considerations, assured us that those particular objections had been well weighed by the Cabinet, and that he did not himself consider that the circumstances which were unexpectedly occurring in an important part of the globe would call on this country for an increased expenditure. Having received those assurances from the Ministers—not being prepared to challenge the Government on those grave matters, and to ask the House to decide whether they reposed confidence or not in Her Majesty's Ministers—I felt it my duty to state that I accepted the surplus announced by the Government as an actual surplus, and that the only point on which the House should be called upon to decide should be to what purpose that surplus should be applied.

Now, before I touch upon that matter, there is a point on which I wish to make an observation. I think that the charge which has been made against us of wasting the public time in performing one of our highest duties — namely, considering whether the financial statement of the Chancellor of the Exchequer was justified or not, is one that cannot for a moment be maintained; and I do not believe that any Minister, in his cooler moments, after full reflection, would seriously hold that a scrutiny into the existence of a surplus is not a legitimate duty of the House of Commons. We are further charged with wasting time in discussing the form of the Bill in which the policy of the Government is embodied. Now, that also appears to me to be a charge devoid of justice. It cannot be denied that the form of procedure adopted by the Government in their financial measures this year has been of a novel character. When the Resolutions which were to be moved in Committee of Ways and Means were placed upon the table, every one at once perceived that their form was unusual. Their form being unusual everybody necessarily connected that change of form with grave incidents that occurred in the two Houses of Parliament last year; and surely that was a combination of circumstances which justified on the part of the House inquiry and consideration—inquiry into the reasons which had induced the Government to adopt that form and consideration whether it was a constitutional and legitimate form. I cannot conceive any subject—whatever difference of opinion may prevail between us upon the point at issue—more legitimate and more necessary for discussion and deliberation in this House. Now, I do not want to enter into any controversy upon that subject upon the present occasion, but at the same time I do not desire to conceal my own opinion with respect to it. I believe that, by the precedents upon the journals of this House, Her Majesty's Ministers were justified in introducing Resolutions in the form they have selected. I go further, and I say I believe there may be occasions on which it would be convenient that the financial policy of the Government should be brought forward in a single measure for the consideration of this House, and it is still my opinion that, had the financial measures of last year been brought forward in that complete form they would never have passed this House. But although the course pursued by the Government in this respect may be justified by precedent, although it may, under certain circumstances, be even recommended by convenience, I am at the same time of opinion that its adoption and application this year is unwise, unnecessary, and impolitic, and that instead of conciliation it will tend to a directly contrary result. In the first place, what is there to conciliate? There is no quarrel between the two Houses. I should look upon a quarrel between the two Houses as a great misfortune; and, although I am as willing to maintain the privileges of this House as any Gentleman in it, I should be prepared to make any concession consistent with our rights and our dignity to prevent the occurrence of anything so unfortunate as a misunderstanding between the two Houses of Parliament. But I am not aware that there has been any such misunderstanding. I conclude, from all that I have observed and all that I have heard, that the conduct of the House of Lords with respect to the measure for the repeal of the paper duty last year was justified by every legal and Parliamentary right. Certainly, if there are any persons of a contrary opinion it cannot be Her Majesty's Ministers. The speech of the noble Lord at the head of the Government at the time, the Resolutions adopted by this House in accordance with that speech, would be strong evidence to the contrary. But when we remember that Her Majesty's Ministers, last year, were obliged from the force of circumstances to make a second financial statement, and to bring a second Budget before our consideration, and that the Chancellor of the Exchequer availed himself of the Excise upon paper as part of his Ways and Means, it is clear that it is not Her Majesty's Ministers who can impugn the right of the House of Lords as exercised by that House last year. How far that was justified by policy is not a subject which I wish to bring into this discussion; but I believe that the House and the country are both agreed upon it. Then what is there to conciliate in this respect? And why, if there has been no misunderstanding and no collision—why, if the Lords have only done that which the law and the usage of Parliament justify, and which Her Majesty's Ministers have entirely sanctioned by their speeches, by their Resolutions, and even by their financial measures—why should we this year unnecessarily make a change in the form of our proceedings, the only apparent object of which is to produce a collison and to render conciliation impossible? Now, I will not proceed at length into this controversy, because I think that upon the present occasion it is entirely unnecessary to do so, and I only touched upon it because I think that when so grave and delicate a question is brought before the House and debates arise upon it—debates which have been maintained on both sides, and with great learning and ability—the country ought not to be told and led to believe that while we have been endeavouring to arrive at prudent and wise decisions we have been wasting the public time. It is of great importance even for the House of Commons, with all its power, to be on terms of good and cordial understanding with the other House of Parliament. We live in an age of rapid transition. The character of this House has been greatly changed within the memory of man, and the power of this House has been greatly increased. The power of the House of Lords, as we are often reminded, has no doubt at the same time been greatly diminished. During the last thirty years or more the Lords have lost a great deal of power. But we should be under a great mistake if we forgot to observe that they have also gained something. The House of Lords, indeed, can no longer exercise that power which the ancient barons exercised, because there was then only one kind of property in this country, and they were almost the sole possessors of it. The House of Lords cannot, indeed, exercise that power which was exercised by the great nobles who invented the Constitution of 1688 and established an oligarchy in this country. No doubt all that is changed ; but the House of Lords still possess a great and growing influence in the conviction of the national mind that an intermediate body between the popular branch of the Legislature and absolute legislation is a great security for public liberty and for temperate government. The people of England feel that the existence of a body of that kind is a great blessing ; and all the public experience of Europe has assured them that that is a body which cannot be artificially created. They, therefore, consider it a very fortunate circumstance for this country that such an intermediate body should have gradually risen, supported by property, by tradition, and by experience, ready to act with the critical faculty which is necessary when precipitate legislation is threatened, and at least to obtain time, so that upon all questions of paramount importance the ultimate decision should be founded on the mature opinion of an enlightened nation. Now, this is the great influence which the House of Lords possess, and it is a growing influence. I would further say, that if the House of Lords continue to be guided by the wise and temperate feelings which have animated them of late years, that is an influence that, I believe, will increase, and will always be exercised for the public advantage ; and I think that our discussions on our relations with the House of Lords in reference to this very question of our financial policy have assisted this House and assisted the country to arrive at sounder opinions upon the subject. Who, then, has a right to say that we have been wasting the public time while we were discussing questions involving considerations of so delicate and important a character ? Upon both these topics, therefore, on which we have been of late so frequently taunted by the noble Lord, I hold that the House is entirely exempt from blame. Every night we have been told that we have questioned the existence of a surplus, and yet that we have proposed remissions of taxation. Now, I deny that myself or any of the Gentlemen on this side of the House have pursued such a course. I have never denied the existence of a surplus, and I have counselled a remission of taxation on the faith of that surplus. But if I wanted an authority for, at the same time denying, the existence of a surplus, and yet recommending a remission of taxation, I could find very great authority, and it does not become the Members on the Treasury bench to indulge in taunts of this kind. I will not, however, discuss that subject now, because my purpose, at this moment is not to enter into any recrimination of that description, but to place before the House clearly the course which we upon this side, intend to take upon this occasion. I say, however, that in the year 1857 the right hon. Gentleman who is now the Secretary for the Home Department, and who was then charged with the care of the finances of the country, did taunt one of the most distinguished Members of the House, who was then in opposition with denying the existence of a surplus, and yet recommending a reduction of taxation ; and he received from that distinguished Member a most vigorous and able reply ; and if anybody wishes to read that reply—for I will not encumber these few observations with extracts from *Hansard* — he can refer to a speech delivered by the Chancellor of the Exchequer in the year 1857. Having said this much in vindication, not merely of myself and my friends, but of the House of Commons, from the charge brought against us by the Minister of wasting public time, because we performed two of the most important functions of Members of this House,—those of scrutinizing the data on which a surplus was estimated, and examining minutely whether our proceedings was justified, regard being had to the privileges of the other House and our own, I will proceed now, merely reminding hon. Members that I myself have never for a moment disputed the existence of a surplus, to state the principles on which I myself think that surplus ought to be apportioned.

I lay it down as a principle of our financial system which ought invariably to be pursued, that in the remission of taxation war taxes should have the preference. I think that a sound and a popular doctrine; and it is popular, I think, because it is sound. Now, I am led to that opinion from considerations of high policy. I think that when on a great emergency—and war is eminently such an emergency—you appeal to the people to bear extraordinary imposts, it is of the highest essence of policy that when the emergency is past you should free the people from those extraordinary charges as quickly as the state of the public revenue will permit; and, for this unanswerable reason, that if an emergency should recur, and you should again have to appeal to the patriotism and the high spirit of the people, you will appeal to them with much less chance of success if they can turn round on you and say, "We have already had an extraordinary addition to our taxation imposed upon us at a great emergency; we cheerfully bore it; and yet, when the emergency passed away, you remitted and reduced other taxes in preference to those extraordinary imposts which you then placed upon us." I say that if that be your policy you cripple the energies of the country—you diminish the power of the Minister who may have hereafter to appeal to the spirit of the people; and totally irrespective of all considerations of finance and political economy the paramount influence which should guide a Minister is this, that the public contract with the nation, entered into on a solemn occasion, should be rigorously and rigidly fulfilled. Now, assuming, as I assume and maintain it to be a principle of our financial policy, that in the remission of taxation war taxes should have a preference, let us apply that principle to the surplus of the Chancellor of the Exchequer. Although the income tax was introduced into our modern system of finance merely as an instrument to accomplish the reform of a tariff, I do not think any wise Minister should hesitate to look on the income tax as essentially a war tax. The existence of such a resource, of such a power of Supply, not drawn upon, in the possession of our Sovereign, is a greater security for the maintenance of peace than fleets and armies. The very fact of the income tax in what I may call a virgin state among the resources of this country would influence the decisions of Foreign Cabinets, and make them hesitate before they took a course which might offend the pride or endanger the interests of England. It should, therefore, be a point of policy to draw as little as possible on such an instrument, to keep it at a very low figure, or, if possible, not to trench at all on its resources. Therefore, had Her Majesty's Ministers come forward with this surplus of £2,000,000, and proposed to appropriate it entirely to the reduction of the income tax, as it at present exists, I should not have questioned the course which they were taking. There are other considerations which ought not to be forgotten. It ought to be borne in mind that there is no tax the remission of which so greatly stimulates consumption. [*A cry of* "Oh, oh!"] The hon. Gentleman seems to be incredulous, but I am sure the House has not forgotten that in 1857, when we had a commercial and monetary crisis, when we had the highest rate of interest known for many years, our Revenue never decreased, but throughout the year was sustained entirely owing to the remission of £9,000,000 of income tax which had been imposed to carry on the Russian War. However, as there is at present no controversy among us as to the apportionment of the entire surplus to the reduction of the income tax, it is unnecessary to pursue this point. I am perfectly ready to admit that much may be said for a distribution of the relief between direct and indirect taxation. Between the right hon. Gentleman and myself no controversy has arisen upon that matter. I may have an opinion on the whole more in favour of the course which I have just indicated; but I do not pretend to express any positive opinion upon the subject. It is enough to know that Her Majesty's Government have considered that it was most advantageous to the country that the relief to be given should be distributed between direct and indirect taxation. I am not disposed to question the wisdom of that policy. But, assuming that a portion of the surplus is to be appropriated to the relief of indirect taxation, then I maintain that the principle which I have ventured to lay down applies, and that regard ought first to be had to those imposts which are absolutely or effectually war taxes, and that relief ought to be granted from those extraordinary imposts respecting which we virtually entered into a contract with the people that they should be relieved as soon as the opportunity for doing so should arise. Gentlemen, not merely on this, but on the opposite side of the House, were of opinion that in dealing with indirect taxation by way of remission we ought to fix on those indirect imposts which were war taxes, and on due reflection the House was asked to come to a decision on that question, and, at the same time, to declare whether it was more politic to repeal the indirect taxation on paper or to reduce the indirect taxation upon tea? Totally irrespective of the first consideration, on which I need not further dwell—the high policy of keeping our engagements with the people, and of remitting when opportunity offers the taxes which, under extraordinary circumstances, have been placed on their articles of consumption—I say the considerations which influenced us to propose the reduction of the tea duty were such as deserved the attention, and, I think, the acceptance, of the House. The commercial considerations were of the highest character. The right hon. Gentleman the Chancellor of the Exchequer, in the course of one of the debates, said that my only view of financial change was to reduce duties on articles of general consumption, and that I thought of nothing but the more obvious interests of the consumer. Sir, I think the Chancellor of the Exchequer has been unjust in these observations. I do not think the interest of the consumer is one which ought in any way to be neglected. A financial measure which consults the interests and advantage of the consumer has much to recommend it. But I do not for a moment pretend that in remitting or reducing taxation you are merely to consider whether the people are to have their tea or their sugar cheaper. The Chancellor of the Exchequer says that in all these remissions and reductions we should look to the means by which we can occupy the people, and that it was among those which afford increased occupation to the people that the best measures are to be found. ["Hear, hear!" *from the Ministerial Benches.*] Why, who doubts it? And, reviewing what has taken place in these debates, I would ask the House whether by reducing the duties upon tea you are not contributing more to the employment and occupation of the people than by the mode which is recommended by the Chancellor of the Exchequer? I do not despise the benefits which must accrue to those who acquire occupation and employment by the abolition of any excise. Everybody admits that the abolition of an excise, if you can afford it, is an advantageous course. I myself have said so twenty times in this House, and the hon. and learned Gentleman has just read a speech of my lamented Friend Lord George Bentinck, which as strongly as possible lays down the same principle. But, if we look at the employment of the people of this country, we must look at it on a large scale—we must look at our foreign trade; and, in the present disordered and disturbed state of the European and American markets, it is in the highest degree expedient that we should study our position in reference to those great markets, including that population of 400,000,000 whose commerce has been opened to us by the skill of our diplomatists and the valour of our troops. And the employment of the great mass of the people of this country will be much more assisted by increasing our commerce with the Empire of China than by relieving what I must call a limited industry and trade at home from the interference of the Excise. At this moment we greatly depend on the China trade. The subject engages the attention of all commercial men who are carrying on large transactions with the East. The fact is, that the consumption of the great staple of China is at present fixed in this country; it does not increase; and the obvious policy to pursue would be by reducing its price to stimulate its consumption, and thus obtain a larger market for our manufactured goods. It appears to me idle to place in competition the advantages the working classes of this country would derive from a great impulse given to the China trade with the limited advantage to be derived from abolishing the Excise on paper. However, the House was called on to give a decision on this question, and it decided not to reduce the duty on tea. But under what circumstances was that decision taken? It was taken not only in a very full but in almost a complete House, and was then carried by a bare majority. But it does not follow because this decision was come to under these circumstances that we should give up any opportunity we may possess of urging on the House the adoption of the policy we think ought to be pursued. It does not in the slightest degree shake my faith in the principle, that if there is to be a remission of taxation, war taxes ought to have the preference in that remission. We have, therefore, to consider the position in which we are now placed. The right hon. Gentleman calls on us to-day to repeal the paper duty. I do not for a moment pretend to say that the Excise on paper is not a disadvantage to the paper trade. But I am not at all prepared to maintain that the Excise on paper is a greater disadvantage to that trade than an Excise duty would be to any other manufacture. No argument I have heard in this discussion has shaken my conviction as to the financial policy we have endeavoured to urge on the House on this subject. Although I am prepared to accept the surplus, as stated by the Chancellor of the Exchequer, I do not believe that with the present general aspect of circumstances we can indulge in any dream of a speedy or considerable reduction of our expenditure. It is very easy to dilate on the importance of such a reduction, and no man in the House is so interested in effecting a reduction of expenditure as a Minister. But expenditure depends on policy, and I know no party in the House that at this moment would recommend any great reduction in our military expenditure.

Then, in dealing with a remission of taxation we have to consider whether it is wiser to reduce a duty on an article of general consumption or repeal a duty of Excise. In one case, if an emergency should arise, you can again appeal to the same source of revenue; in the other case you can only substitute for the indirect taxation you have lost an equal amount of direct taxation. Now, this is a grave question; it is not to be met by light arguments, or stifled by taunts from the Ministerial bench. It is said we are precluded from offering any opposition to the measure of the Government, because the House has come to a Resolution on the subject. No one is more ready to regard a Resolution of the House of Commons with respect and deference than myself. It is, at the same time, unwise and indiscreet to mistake the character of a Resolution of either House of Parliament. A Resolution of either House—and especially of the House of Commons—is an expression of opinion, and nothing more. Though it is an expression of the opinion of an assembly well entitled to confidence, yet, like the expression of the opinion of an individual, it is subject to the inexorable conditions of time, circumstance, and maturity of thought. If time, if change of circumstances, and reflection affect the opinion of individuals, so time, circumstance, and thought must influence and may change the opinion expressed by a Resolution of the House of Commons. And it is unwise on the part of the House to strain too much the character and influence of its Resolutions. We have seen within these few years—I might almost say within a few months—the Sovereign recommend from the throne an important policy to the House, and both Houses pass Addresses thanking Her Majesty for that recommendation, and pledging themselves to consider the measures necessary to carry that policy into effect. Have not those measures been brought forward by Ministers, and have they not also been withdrawn by Ministers? And who blames them? They were withdrawn because it was ascertained that the general opinion disapproved and refused its sanction to that policy. After an instance like this, on a question so important as the distribution of political power in the State, it is too much for the Chancellor of the Exchequer and his colleagues—it is too much for the men who felt justified, and, as I think, were fully justified, in neglecting a pledge of such importance—to rest the chief defence of the policy they are now bringing forward upon a hesitating Resolution, passed in a languid House of Commons. I can, therefore, Sir, offer a sincere opposition to the clause before us. In doing so it is unnecessary to vindicate myself and those I act with, because we take this opportunity of testing the opinion of the House on this subject. Throughout the discussion of these measures it has been my most anxious desire, while wishing to consult the convenience of the Government as much as possible—as in my opinion is the duty of the House—to reserve our right to oppose the measures of the Minister of Finance. On every occasion I have reserved that right; and I have done more than it was necessary to do. I have repeated our intention to oppose that policy; and I believe the occasion we have taken to oppose it is in the strictest sense of the word a legitimate one. I do not wish that course to be mistaken. There may be hon. Gentlemen who feel themselves justified in opposing the clause repealing the paper duty because they have no confidence in the Chancellor of the Exchequer's surplus. I do not recede from the ground I first took on the question, and I pursue a course that is perfectly consistent. I am not prepared, by rejecting the clause, to place Ways and Means in the hands of the Chancellor of the Exchequer for which he avows he has no use. I oppose the clause that we may pursue the policy we think advantageous to the country; that when called on to remit a certain amount of taxation we should remit war taxes in preference to any others, and maintain our faith with the great body of the people. I do so upon high political as well as upon commercial and fiscal considerations, and my purpose, therefore, cannot be mistaken. I wish, if I possibly can, to carry into effect the financial policy which was enunciated in 1858, which was then adopted unanimously by the House, and which was sanctioned and supported by the present Chancellor of the Exchequer. I wish to terminate, if possible, and at all events to take every opportunity of reducing, the income tax, because I think its reduction, and, if possible, its abolition, would add materially to the power of this country, totally irrespective of the great relief which would thus be given to important classes. But I acknowledge at the same time that the claims of war duties which take the form of indirect taxation are of so weighty a character that they must in some degree divert us from the great policy then recommended. I say, then, re-affirming the policy which in 1858 was supported by an unanimous Parliament, that the first object which a Minister should have in view in the reduction of taxation is the income tax and the war duties on tea and sugar; and when the hon. and learned Gentleman talks about a Resolution come to by the House of Commons upon the paper duty, can he forget—what, perhaps, it is convenient to forget—that the House arrived at that conclusion a few days only after they had unanimously affirmed the policy of reducing the war duties on tea and sugar in preference to all other indirect taxes? It is to that policy I appeal, and it is that policy which I am now attempting to vindicate and strengthen in the course which I am recommending. I maintain that there has been no other course for the House to pursue than the one they are now debating. Hon. Members who, perhaps, do not even trouble themselves to read the Bill, have said to me, "Why, the clauses upon tea and sugar are passed." But when they read the Bill they will find that if they wish to renew the struggle for the reduction of the tea and sugar duties—if they wish to originate an effort for the reduction of the sugar duty—that opportunity, instead of having passed has not arrived. All that you have done by passing the second clause is to agree to renew the tea and sugar duties, but the rates at which you will renew them must be settled at a period subsequent to the clause which we are now considering, and it is only when you come to the schedule in the Bill that you really can ask the opinion of the House upon the question. This clause, then, is an obstacle to the policy which I am recommending, and unless we can induce the House to reject the clause they cannot act on the sound and popular rule, which ought never to be departed from—namely, that in all remission of taxation war duties should have the preference. It might be expedient to ask the opinion of the House again upon the question of reducing the tea duties, provided this clause is rejected. That is a grave question, but, following the course of Parliamentary procedure, I think there has never been an instance yet known where, after a great struggle on a question of taxation, and after an important tax has been passed in one stage by so slight a majority in so full a House, there has not been a renewed effort to effect the purpose of the minority. That is a question entirely for future discussion. But there are some who object to this course. There are hon. Gentlemen who say "We entirely agree with the principle of the Budget of 1858, that we ought to remit war duties, but, then, the opinion of the House has been taken upon tea, and that opinion ought to be definitive." But there are other war duties besides those upon tea. Is the war duty on sugar not one of importance? Is it not a most legitimate and proper subject of discussion whether we should not do better to reduce the war duty on sugar rather than remit the paper duty? These are questions which I have no doubt will be brought before the House if the opportunity be given, but no opportunity can be given till this clause is rejected. When, therefore, we are charged with merely opposing the remission of a tax in order that the Chancellor of the Exchequer may be embarrassed with Ways and Means for which he has no use, I say there is no foundation for the charge, and that we are acting now for a distinct object, which is to establish and preserve the financial policy which we have always upheld. There is one subject to which I would not have adverted had it not most unnecessarily been imported into the debate by the hon. and learned Gentleman (Mr. Mellor) who, I apprehend, although he is not sitting on the Treasury bench, represents the opinions of the Government upon this matter. The questions before us are of so grave a nature—they are questions which touch so nearly the interests of all classes in this country, and which may exert hereafter such an influence upon the social condition of the people, the principle upon which the taxation of the country is established being really the gravest question which can be brought before the House—that, but for the remarks of the hon. and learned Gentleman, I should have thought it unnecessary to mention this subject to the Committee, who have to-night a great duty to perform, and who, I am sure, will discharge it with a full sense of its importance. Whatever might be the rumours I had heard in lobbies and in ante-chambers, I did not think that from an hon. and learned Gentleman who had moved the adjournment of the House, and who, therefore, spoke with all the advantage of due deliberation, we should have had insinuations founded upon such miserable topics as he has introduced, as though the opinion of the House and the conduct of a great party were to be influenced by such considerations. I understand from the hon. and learned Gentleman that in his opinion this Motion has been brought forward in consequence of a Ministerial squabble upon some subject. That is the statement which the hon. and learned Gentleman after mature deliberation thinks he is justified in making. All I can say is that our determination to take the opinion of the House upon the policy of the Government was announced weeks before this rumour reached us. Nor do I know that it was possible for us to have asked the opinion of the House respecting that policy on an earlier or a more convenient issue than that now before us. I hope that the great party with which I have the honour to be connected are as sensible of the responsibility of their position as those who sit opposite them; but, nevertheless, we are charged with being influenced by these undignified considerations, and with taking a course actuated by wholly unworthy motives. I find statements made of my having had interviews with individuals deeply interested in certain enterprises, and of having promised them the support of the gentlemen who honour me with their confidence. Sir, I have had no interview with any one. It is an impudent fabrication; and I am bound to say, with regard to a respectable gentleman whose name has been mixed up with mine in these reports, that he, unsolicited, stated to me in the solemn manner that befitted a gentleman of his sacred calling, that he had neither directly nor indirectly sanctioned such reports, and that he had seen them with indignation. I know nothing of this question. When the papers respecting it are placed before the House I shall read them, as subjects of this kind deserve to be read, in a perfectly impartial spirit; and, notwithstanding the insinuations and charges which have been made, I shall decide upon them in the same spirit, with a due regard to the just claims of Ireland and to the general welfare of the country. I hope I have now placed before the Committee my views as to the clear issue before us. It is one of no mean importance. It involves in the policy which you pursue the question whether you will maintain good faith with the public, who, in a moment of emergency and with generous confidence, trusted and supported you. It involves another question of scarcely less importance—namely, whether you will pursue a financial policy which, in my opinion, will render it inevitable to substitute for indirect taxation an equal amount of direct taxation, thereby disturbing what is already in danger—that true balance between the two great sources of Supply which should always be maintained. With these views, and feeling that the Committee to-night will decide upon these great questions alone, and not upon subjects which have been so improperly mixed up with them, I shall most certainly oppose the insertion of the clause now in question.

LORD JOHN RUSSELL: Sir, before I enter on that which is the immediate question before the House, I feel bound to advert to the last of the topics to which the right hon. Gentleman, the Member for Buckinghamshire, has referred, and upon which I do not enter for the purpose of making any charge against the right hon. Gentleman. I make no charge whatever against him, because I have heard from common rumour what I have no doubt is true—namely, that after the last division on the subject of the paper duty the right hon. Gentleman said the majority was so scanty that he should probably on some future occasion again take the sense of the House on the question. Therefore, I make no charge against him of bringing forward this question for the purpose of obtaining the support of a certain number of Gentlemen who, it appears, are discontented with a recent decision of the Government with regard to a local matter. But, Sir, it is necessary to vindicate the honour of the Government to which I belong. I believe that my noble Friend at the head of the Government and the whole of the Cabinet stand perfectly free from imputation on this subject; but imputations have been made. Those imputations have been referred to in a newspaper which is universally read, and, therefore, they cannot and ought not to be passed over. Sir, the decision of the Government on this subject was made and communicated to the parties interested; and my noble Friend at the head of the Government was asked by a person who seemed entitled to put the question whether he would receive a deputation of Irish Members with reference to this matter on Monday morning last, the day on which the proposition for the repeal of the paper duty was to be brought forward in Committee? My noble Friend absolutely refused to receive that deputation. My noble Friend saw at once what imputations, what misconceptions, what false accusations might arise from his receiving the deputation, though nominally on the subject of the Galway Contract, and he absolutely refused to receive it. The company on whose behalf the reception of the deputation was sought have since made a long representation with regard to their case. That representation will be answered by the Postmaster General or his Secretary, and the communication will be laid before this House; but as to the imputation that the Government intend to postpone for six months their decision on the question, with a view of giving the sum of £36,000, which has been mentioned, for the performance of the postal service for six months, that imputation is totally devoid of foundation. I at once repudiate it as a calumny on the character of the Government. Sir, in respect to another question, with regard to which my noble Friend was asked a question before this debate was resumed this evening. I have this observation to make that, supposing this contract to be at an end, and that it is considered that there ought to be a communication with America from the nearest point of the United Kingdom, it would evidently be unjust to Ireland to say that the question was to be summarily concluded without a consideration of all the circumstances and facts affecting the case—affecting the public money, affecting the trade of the country, and affecting the convenience of the transport of the mails to America; but that is a totally different question from the question of the Galway Contract, on which the Government will act coolly and deliberately. And, Sir, with respect to the matter of the Galway Contract, I say that rather than the Government should make any concession on that question in order to obtain votes to-night, it would be better that ten Ministries should be defeated. It would be better that ten Ministries should be defeated and that the House of Commons should be ten times dissolved than that such a stain should be cast on the Government of this country. And when I say that it is better that ten Ministries should be defeated, and the House of Commons ten times dissolved, that is a consequence that would not be avoided; on the contrary, it is a consequence that would be brought on if any Government in this country were to act in so profligate a manner, because it is not to be supposed that this is a question in which one part only of the United Kingdom is interested. Galway Contracts might spring up in other parts of the kingdom, and if any ten or twenty Gentlemen in the divided state of the House, or of the great parties which are represented here, found that they had defeated one Ministry by this means, the new Ministry would soon experience a similar attempt to make them stoop to this degradation; they in their turn would be defeated, and would be obliged to resort to a dissolution. Therefore, I say, that whether we regard the honour and character of the Government, or whether we look to the general advantage of the country, it is quite impossible that any proposals on this subject can be looked to with a view to any division in this House. Sir, I repeat again, that I make no imputation, no charge against the right hon. Gentleman, or against the great party to which he belongs; but, at the same time, I think it is matter for the members of that great party how far they should give any countenance or favour to—how far they should support even indirectly—any attempt, such as that to which allusion has been made, to force the Government into an opinion contrary to their convictions. That, however, is a matter which I leave entirely to their own sense of the public interests, and their own sense of that honour which belongs to all public men.

I proceed now to the general question raised in this debate, and upon which the right hon. Gentleman has thrown an entirely new light. I confess that on Monday evening I thought we were discussing the question whether, there being no surplus, the House of Commons might not very well refuse to repeal the paper duty, and thereby enrich the public Treasury. It appears, however, that the right hon. Gentleman thinks that there certainly is a surplus, but that there might be some other way of disposing of it besides repealing the paper duty. When my noble Friend and my right hon. Friend the Chancellor of the Exchequer complained of a waste of public time, it was not of the time occupied in discussing the great measure of my right hon. Friend. The Chancellor of the Exchequer has stated to the House his views with respect to the finances of the country; he has made elaborate calculations; he has stated to the House what were the results of last year and what were his expectations for next, and I think it became Gentlemen who have been in the service of the Crown, and more especially those who have been connected with the finances of the country, to consider the proposal of my right hon. Friend. They might have said, "You are very imprudent; you have no surplus, and you ought not to reduce the Revenue of the country to such an extent as you propose." That was one point. They might, on the other hand, have said, "That there is a considerable surplus has been proved to us, but your application of it is unwise. We have a plan for a better application of it, and we will propose it to the House." Either of these courses would have been not only constitutional, but perfectly proper; but what they have done is this:—For three nights they have discussed the question whether there was a surplus or not, without coming to any decision, evidently trying to catch what was the opinion of the House as expressed in a vague and desultory discussion. At last they came to the decision that there was a surplus, and then they said that the surplus ought to be applied to a reduction of the tea duty. I am the last person who ought to find fault with that proposition. It gave rise to a benevolent struggle between two parties, the one endeavouring to relieve the industry of the nation by removing a tax on an article extensively manufactured in the United Kingdom, and the other trying to obtain at a cheaper rate one of the luxuries of the poor people of this country. When this question was discussed and decided one would have thought that it was nearly time to come to a final Resolution as to the manner in which the surplus was to be appropriated; but no; another question was raised; and let me refer to the manner in which it has been treated, for it is one of great importance. The House of Lords having exercised its privilege last year in an unusual manner, and rejected a Bill sent up from this House by which the industry of the country was to be relieved from one of its burdens, we submitted that it would be wise this year to consider in one Bill the whole of the financial measures proposed by the Government, and to send up to the other House in that shape. Well, hon. Gentlemen have said that this is not a fair proceeding towards the House of Lords; that it interferes with the privileges of that House; and that this was not the manner in which our propositions ought to have been made; although the authority of my right hon. Friend the Member for Carlisle (Sir James Graham), that of the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole), and that of my hon. Friend the Member for the University of Oxford (Sir William Heathcote), were in favour of the view taken by Majesty's Government. Nay, the right hon. Gentleman himself last year said that it was advisable that all the financial propositions should be put into one Bill. The question, however, was still open for discussion, and the hon. Member for North Warwickshire (Mr. Newdegate) with that honest directness of purpose which always distinguished his conduct in this House, determined to bring the question to an issue, and proposed that it should be an instruction to the Committee to divide the Bill so that each tax should be embodied in a separate Bill. Nothing could be a clearer or a fairer mode of bringing the question to an issue; but, instead of supporting it, the right hon. Gentleman the Member for Stroud (Mr. Horsman), who is one of those who set up for us an entirely new Constitution, and who proposes that the Lords should exercise a power which they have never exercised in the whole course of our history, gave some very good reasons why the Motion should not be entertained; and when it came to a division those who were to defend the privileges of the House of Lords against our aggression slunk out of the House, and the hon. Member for North Warwickshire was left with only thirty-four Members. One would have thought that there would have been an end of the constitutional question then, and that those who did not venture to support their opinion by their votes — who had shrunk from the decision by which they might have been committed to an opinion—would never have mentioned the constitutional question again. But no; we had no sooner got into the discussion on the paper duty than up jumped the constitutional question again, and we were told again that we were going to insult the House of Lords. I must ask for one of two things—either let Gentlemen bring the question to a decision in any form which they may think best, or let them refrain from taunting the majority. The right hon. Gentleman opposite has alluded to the times when almost all property belonged to the barons, and when what he called an oligarchy established a Government in 1688. But in those times, when the barons were so powerful, they yielded to the House of Commons on this subject, and, though frequent attempts were made to obtain a control over the taxes, yet on various occasions when it came to a contest they yielded to the privileges of the House of Commons. And as for this oligarchy of 1688 they submitted to a tack to a Money Bill—to an abuse of the rights of this House—rather than not allow the privileges of the House of Commons. How, then, can any one believe that at this time of our Constitution we should introduce new practices, that we should ask the House of Lords to be our partners in the financial scheme of the year? But be it observed in this case that Gentlemen like the hon. Member for the West Riding (Sir John Ramsden), who have been so tender of the honour of the House of Lords, have asked for that House something which they never asked for themselves. What they did last year—unwisely, I think, but still it was a question for their own discretion —was this:—A Bill was sent up to them which they had a right to reject, and they said, "You are engaged in a war with China which may be extraordinarily costly, and you ought not to part, therefore, with any means by which this cost may be met," and they refused on that ground to sanction the repeal of the paper duty. There is no such case at present. For what I know, and for what anybody knows, the House of Lords may be as much agreed that the paper duty should be repealed as the Government themselves. But hon. Gentlemen say—and really I was astonished when I heard the language of the hon. Member for the West Riding the other night—the Lords may have an objection to repeal the tax; they had an objection last year, and though that was an exceptional case, and circumstances have since altered, yet they may object again to repeal the paper duty, and we must approach them, therefore, in such a way that it will be no humiliation to them to agree to that repeal. That is saying that we shall have no financial measures without the House of Lords, and destroying all the privileges we have hitherto enjoyed on those matters. I can conceive the House of Lords saying that though last year, when there was a China war, they did not think it prudent to part with this tax, yet this year, as there was no war, they would cheerfully give their consent to its repeal. I can understand that being the language of the House of Lords, but whether it is or not, I submit to the House that their ancient privileges oblige them to consider what taxes shall be remitted and what kept on without any reference to the previous consent of the House of Lords. And observe this:—It would be an utter absurdity to say that the House of Lords shall be judges as to the amount of taxes, and to say that they shall not be judges of the amount of expenditure. Every year we send up to them an Appropriation Act, containing the whole of your Army, Navy, and Civil Service expenditure, all in one Bill, which they must take in a lump or reject in a lump. If you say that every tax is to go up in a separate measure, then every branch of the expenditure must go up in a separate Bill. For all we know there might be branches of the expenditure which the House of Lords did not approve, and you would then get your financial arrangements into a state of utter confusion, and the present admirable provisions of our Constitution would be totally nullified by this attempt to make a new Constitution. Having disposed of this constitutional question by 190 to 34—when it was brought forward in a constitutional manner—because I say larding a speech about the impropriety of repealing the paper duty and the state of America with commentaries about the power of the House of Lords is not the way to decide a great question. The way to decide a great question is to come down with a Resolution like the hon. Member for North Warwickshire, and take the sense of the House upon it. That is what we did. We—190—affirmed the power and privileges of the House of Commons, and those who were against the power and privileges of the House slunk away.

Mr. HORSMAN: I voted with the majority.

Lord JOHN RUSSELL: I am very glad to hear it; but the hon. Baronet the Member for the West Riding—

Sir JOHN RAMSDEN: The noble Lord does not seem to be aware that I also voted in the majority.

Lord JOHN RUSSELL: Then that makes the matter more extraordinary still. Having deeply considered, both last year and this year, this question of the privileges of the House of Commons and the power of the House of Lords, and having started certain new and startling theories which they were convinced were improvements on our old Constitution and the views of our forefathers, when this question was submitted to the House in a substantial form, they actually voted against the opinions which they had advanced.

I come now, however, to the main question before us. Last year the Government had to consider, having a sum at their disposal for the relief of the taxation of the people, in what manner that sum could be best applied; they came to the conclusion that the best mode would be to apply it to the total repeal of the paper duty. Various motives have been found for the Government, but I believe that the ground on which their decision was come to was that it would be the remission which would give the greatest relief to the country. If they had been of the opinion that the remission of the tea duties or the sugar duties was preferable, my right hon. Friend would, no doubt, have proposed it. The Government decided in favour of a repeal of the paper duty, and, having been defeated by the House of Lords last year, they this year consistently ask again to have that duty repealed, as a relief to the industry of the country. The right hon. Gentleman the late Chancellor of the Exchequer is too well acquainted with the finances of the country not to admit that the abolition of this tax will be a relief to the industry of the country; and, for my own part, I have never heard any argument which separates this Excise duty from other Excise duties which we have repealed. It is, perhaps, not so onerous as those on salt, leather, candles, and soap, which were Excise duties on the necessaries of life; but, after those duties, it is the one which most interferes with the employment of the people, and which increases the price of an article of very general consumption. Those appear to me to be quite sufficient reasons for its repeal, and the argument against it is stated in a very singular manner. It is said, in the first instance, this is a tax which does not weigh on the people at all; and it is said, in the next, that if we repeal this duty we shall never be able to re-impose it. I should say that one or the other must be true; but both cannot possibly be so. If the tax is no burden on the people, the Chancellor of the Exchequer will be able at any future time to say, "The State is in want of money; the navy must be increased to meet the contingency of war; but here is a tax which is no burden on the people, and, therefore, we propose to lay on 1½*d.* per pound on paper;" and to that the House of Commons will universally assent. Or I can understand a person saying, "This is a tax which does so affect the industry of the people, and the abolition of it has given so much employment, that it is impossible to ask the House of Commons to re-impose it." But then the other ground must be abandoned, and those who say that the tax can never be re-imposed must allow that it is a great benefit to take it off, and that the feeling of benefit would, in fact, be the obstacle to its being re-imposed.

I have looked to see the general result, in a financial point of view, of ten years' experience of the repeal of taxes of a similar kind. In those ten years we took off the glass duty, £624,000; the brick duty, £456,000; and the soap duty, £1,126,000—total, £2,206,000. There were certain Excise duties put on, amounting to £1,764,000; so that the amount taken off above the amount imposed was £442,000. Therefore, you might expect that the Revenue would be worse off by nearly half a million. But what was the fact? The whole amount of the Excise in 1844 was £14,450,000, and the net amount of the Excise in 1854 was £17,007,000, being an increase of £2,557,000. Even to the revenue, the consequence of taking off taxes which affect employment is to increase the consumption of other excisable articles, and to increase the amount of revenue not only from the Excise, but from the Customs, upon which you could not otherwise reckon. A noble Lord, in the course of one of these debates, said that in France the increase of revenue had been as much or more, although they had not taken off any of these taxes. But those who speak like that consider that the relief of the people goes for nothing. But it is the duty of the House always to consider the advantage of the people, and if they can find a less burdensome system of taxation, though it produce not a farthing more or a farthing less, it is their duty to adopt it. The right hon. Gentleman who spoke last said that there are other taxes which we might take off with greater advantage, and, as I understood him, he seemed to intimate that when we come to the schedules of this Bill we may take off something more from the income tax. With regard to that, I think my right hon. Friend the Chancellor of the Exchequer made a very fair proposition when he said, "a penny shall be taken off the income tax, and the duty on paper shall be remitted. There is a direct tax reduced and an indirect tax abolished. There is a fair division."

Mr. DISRAELI: I did not intend to intimate that I should move any remission of income tax.

Lord JOHN RUSSELL: I am glad to hear it. But in support of what my right hon. Friend has done, in taking off part of a direct and the whole of an indirect tax, there remains in my memory what happened in the year 1816, when the Government of that day proposed a repeal of the income tax, and we of the Opposition, who were not used to majorities, obtained upon that occasion a majority. We were very much pleased, but two days afterwards Lord Castlereagh came down to the House of Commons with the Chancellor of the Exchequer, and the Chancellor of the Exchequer made a statement that the Government were going to make another reduction. Lord Castlereagh I find is reported to have said, "But when the Members of the House thought proper to relieve themselves—I do not use the expression in an invidious sense, but because the income tax is one which affects more particularly the upper classes—then Ministers found it necessary to make some change in their measures for the relief of the people." And the change which Lord Castlereagh proposed was a remission of £2,000,000 of the Excise duty on malt. I think it would be some reproach to us in these days if we were to say we agree to the remission of a penny of income tax, but we refuse the remission of a tax which more especially affects the industry and employment of the people. Everybody was glad to hear in 1816 that the Government would make a further reduction. There was certainly no surplus then; but the Government borrowed the money in order to do it.

We heard the other night a good deal of political considerations upon which the argument was founded—that it is very imprudent to give up this tax. But that argument comes to this—that we ought to maintain the paper duty, and not reduce other taxes. Those considerations are mere vague apprehensions—apprehensions of the interruption of trade or of the disturbance of that peace which this country now happily enjoys with all the nations of the world. But I submit that if mere apprehensions are to justify the House of Commons in the refusal of any remission of taxation, the time may never come to relieve the country from any existing burden. I really think that the decision should be left to the Executive Government. If the Executive Government see that danger is near, that it will be necessary to increase our armaments, surely they will be the first to wish that there should be sufficient funds in order to meet those requirements. My hon. Friend the Member for the West Riding of Yorkshire (Sir John Ramsden) alluded the other night to one subject in a tone which I was very sorry to hear used by any one. My hon. Friend said that "the great Republican bubble in America had burst." Now, Sir, I am proud to confess—I may be subject to correction—but for my part, when I find that a dark and tyrannical despotism has been abolished, and that people are likely to enjoy free government in its place, I rejoice. It is my duty to represent Her Majesty as friendly to all existing States; but if a despotic Government fall, and the people who have been subjected to it are likely to obtain better and freer Government, I cannot conceal that it gives me satisfaction, and that I sympathize with them. But I own I have very different feelings when a great Republic, which has enjoyed for seventy or eighty years institutions under which the people have been free and happy, enters into a conflict in which that freedom and happiness is placed in jeopardy. I must say the joy which I felt at the overthrow of some of the despotisms of Italy is counterbalanced by the pain which I experience at the events which have lately taken place in America. I admit that I have thought, and that I still think, that in this country we enjoy more real freedom than the United States have ever done. I admit also that the great founders of that Republic, wise and able men as they were, had not the materials at hand by which they could interpose, as we are able to do in this country, the curb and correction of reason in order to restrain the passionate outbursts of the popular will. Yet we cannot be blind to the fact that the Republic has been for many years a great and free State, exhibiting to the world the example of a people in the enjoyment of wealth, happiness, and freedom, and affording bright prospects of the progress and improvement of mankind. When I reflect that the reproaches which are cast by the States of the North upon the States of the South, and the resistance which they have called forth, have arisen from that accursed institution of slavery, I cannot but recollect also that with our great and glorious institutions we gave them that curse, and that ours were the hands from which they received that fatal gift of the poisoned garment which was flung around them from the first hour of their establishment. Therefore, I do not think it just or seemly that there should be among us anything like exultation at their discord, and still less that we should reproach them with an evil for the origin of which we are ourselves to blame. These are the feelings with which I heard the remarks of my hon. Friend the other night, and I must say that I believe the sentiments which he expressed form an exception to the general impression in England. Indeed, I think nothing could be more honourable to our country than the prevailing pain and grief which have been occasioned by the prospect of that great and free people being about to rush into arms to destroy each other's happiness and freedom. I have but few words more to say. It is necessary I should assure the House that neither with regard to America, nor with regard to any of the great European nations, do I see at present any prospect that our pacific relations will be disturbed. The world, however, is in a state of change, and far be it from me to make any prophecy that peace will, in all the changes, be preserved. All I can say is that, as far as I know, the feelings of all States towards this country are friendly; that there are no questions pending upon which any conflict is likely to arise; and that, as far as my humble means can promote the cause of peace and goodwill upon earth, I will exert them to that end.

SIR JOHN RAMSDEN: I have no intention of intruding myself upon the attention of the Committee, except for one moment, merely to explain, and to remove an erroneous impression into which I am sorry to find the noble Lord has fallen. I assure the noble Lord, and I think his own recollection will bear me out, that no one word ever fell from my lips of exultation over the most unfortunate events which are now taking place in America. I did contrast the condition of America with that of England, in order to draw from it the lesson that it was our duty to be thankful for and to strengthen those institutions which are the pride and glory of England. But as regards America, I referred to the events now taking place there as calamitous events, which we must all most deeply deplore.

MR. PEACOCKE said, the right hon. Gentleman the Chancellor of the Exchequer had assumed a surplus of £408,000. He would remind the Committee, however, that since the right hon. Gentleman made his statement there was reason to believe the amount would be reduced by £200,000, which the Government would have to pay as an indemnity to Denmark, and by the sum of £30,000 which the House had already voted for the Princess Alice, leaving, therefore, the very meagre sum of £178,000. When it was recollected that even the surplus itself was estimated upon a calculated improvement in the revenue, which might never take place, and upon the receipt of the Chinese indemnity, which might never be paid, he did not think hon. Gentlemen on the Opposition side of the House could be charged with an extraordinary abuse of private judgment if they ventured to be a little sceptical as to the existence of a real surplus. But, however, assuming a surplus existed, he contended that the paper duty was not the first that should be remitted; but that when in time of war taxes had been laid on tea and sugar in time of peace those were the articles which should first be relieved. For if, in times of peace and surplus, war taxes were retained, in times of war and deficiency there would be no source of revenue to fall back upon. The proposed reduction of 1*d.* on the income tax would be beneficial to the upper classes, but of no substantial benefit to the working-man. Nor would the remission of the paper duty be of any good to the poorer classes. An hon. Member had argued that bandboxes would be cheapened, and another that paper coats would be brought into use if the paper duty were removed; but he did not see what countervailing benefit these articles would confer upon the working-man for the augmented price which he paid for his sugar and his tea. But when they were called on to take off the paper duty this year it was but fair and right to the House of Lords that they should consider what their position would have been if that body had consented to remit the paper duty last year. The deficit would have been increased by £1,300,000, which must have been added to the permanent debt of the country; they would not have had the half-year's duty of £620,000 from the paper duty in the six months that it was to be retained for the current year; and that alone would have reduced the anticipated surplus to £600,000, which would not have allowed either of the reduction in the income tax or any other duty. The remission of a penny in the income tax, therefore, was owing neither to the right hon. Gentleman nor to that House, but to the superior wisdom and caution of the House of Lords. He should have thought the right hon. Gentleman would have been grateful for that advantage; but he must say that the language of the right hon. Gentleman was not that of thankfulness, nor his conduct that of gratitude. He recollected that last year the right hon. Gentleman came down to the House, and in a fervid speech called for action. But the action of the right hon. Gentleman consisted in quietly pocketing the surplus which had been forced upon him, while his language was the reverse of that inscribed on some alms-boxes, for in the language of the Chancellor of the Exchequer, at all events, the largest contributions were most ungratefully received. But, however, ungrateful he might be, he contended that his Budget was itself the best testimony that could be borne to the caution and wisdom of the House of Lords, as it was also the best instructive practical commentary on his own improvidence last year. But he (Mr. Peacocke) would invite the Committee to direct their eyes to the next year. There would be a diminution of £252,000 next year from the income tax, and of £665,000 on paper. There were also £1,000,000 of Exchequer bonds that would fall due in that year. If they deducted from those sums the Chancellor's estimated surplus of £400,000, that would leave £1,500,000 to be provided for. How was that deficiency to be met? It must be met either by increased taxation or by diminished expenditure. Some hon. Gentlemen thought that the expenditure could be diminished. But, then, why was it not diminished now? If it could be done consistently with the honour and safety of the country, why was not the expenditure immediately diminished? The right hon. Gentleman was responsible for the finances of the country; it was not for him to turn round upon his colleagues and say, the sin of this profligate expenditure rests, not upon me, but upon your shoulders. He was the Minister that, in the eye of the Constitution, was peculiarly responsible; and if he believed that the expenditure of the country was profligate and lavish, it was his duty to reduce it or to resign. But the right hon. Gentleman did not resign; and, therefore, they were to assume that the expenditure was not excessive — that it could not be reduced, and that the deficit of next year must be met by increased taxation; well, then, after the number of taxes which the right hon. Gentleman had abandoned he would have no option but to increase the income tax or augment the duties on tea and sugar. In his opinion that was too high a price to pay for the repeal of the paper duty—a tax which weighed only on a limited number of newspaper proprietors, but was not felt by the community at large. He believed that such a proposition could not receive the assent of the House, for it would be a retrograde and reactionary step in modern legislation opposed to the whole system of their recent financial policy, for, instead of subverting the monopolies of the few for the benefit of the many, they would be taxing the many for the benefit of the few.

Captain TALBOT said, he would not have interfered in the debate had not a piece of information come to his knowledge which he thought he should not be doing his duty if he did not state to the Committee. Since the preparation of the Naval Estimates their neighbours across the water had laid down no less than nine additional iron-plated vessels. As the noble Lord the Secretary to the Admiralty had stated in the early part of the Session that the French had got the start of them, he thought this information most important, and touched nearly the question they had under discussion. Under those circumstances, though he knew there were hon. Gentlemen in the House who thought the expenditure of the country was likely to be reduced, he must say he saw little chance of that expectation being realized. He did not wish to enter into the general question; he would only ask the Committee whether, looking at the state of preparedness for war in which all foreign countries were holding themselves, and having regard to the state of affairs in America, and to the storm which was brewing on the Continent of Europe, was it wise that we should at that moment part with one of our largest sources of revenue? He believed that it was not. The remission of the paper duty was impolitic, unwise, and unwarrantable, and he doubted not that a majority of that House and of the country would unhesitatingly pronounce it to be so.

SIR JOHN SHELLEY said, that the real question upon which the Committee was about to divide was not whether the paper duty should or should not be repealed, but whether hon. Gentlemen opposite should take the places of those who now sat upon the Ministerial benches; and, under these circumstances, he thought that the references which had been made to the state of Europe told rather against than in favour of those who had made them, because he had no doubt that if the prospects were so gloomy as they had been represented to be the country would rather have the noble Viscount at the head of affairs than Lord Derby, and the noble Lord the Member for the City of London at the Foreign Office than Lord Malmesbury. The debate had been prolonged by hon. Gentlemen opposite in the hope that something might turn up which would be favourable to their assault upon the Treasury benches. Whether anything had turned up or had not he did not know. He had no hesitation in stating that even supposing the duties on tea and sugar should be reduced in preference to the abolition of the duty on paper, still, as he did not wish to see the two noble Lords now at the head of affairs removed from office, he should give his vote in favour of the clause.

SIR WILLIAM JOLLIFFE said, the hon. Baronet who had just sat down had done his best to lead the Committee away from the real business that was before them. He confessed he thought that through a large portion of these debates they had been in danger of losing the substance in the form. On the point of form he did not much differ from the Chancellor of the Exchequer. He thought the right hon. Gentleman was at perfect liberty to propose, and the House was at perfect liberty to adopt, his scheme in the form in which he had put it. He never recognized the probability of a dispute between the two branches of the Legislature. God forbid there should be; and he would dismiss that subject with repeating a remark that was made early in these debates, that if, unhappily, such disputes should arise there was a court of appeal from both — the country at large. He thought they ought now to pass from the form of the measure and to consider its substance. The only Member who had at all dealt with the substance of the measure was the noble Lord the Member for the City of London, who said that he could draw no distinction between the remission of the Excise duty on paper and the other remission of Excise duties which took place in former years. Now he (Sir William Jolliffe) thought there was a marked difference between the repeal of the paper duties and the repeal of the other Excise duties. No one would dispute the boon that the repeal of the duty on soap had proved to the working classes. No hon. Member acquainted with the manufacturing districts would doubt that the repeal of the duty on bricks had proved a great benefit to the working classes there, in affording facilities for the investment of their small capitals. And with regard to glass, they all knew that the greatest possible benefit had arisen from the repeal of the duty as a means of stimulating the industry of the country. When Sir Robert Peel proposed the repeal of that tax he said that from our natural advantages there was no country in the world whose competition England need fear in the manufacture of glass. Could similar statements be fairly made with respect to paper? He believed not. The hon. Member for Manchester (Mr. Turner), who was a high authority on this question, said he had given the subject his most mature consideration, and he was satisfied that the paper manufacture must be a declining trade, and that under perfect free trade the home manufacturer could not compete with the foreigner. That was the reverse of what Sir Robert Peel said with respect to glass. All classes benefited by the reduction of glass; but in whose interest he should like to know was the abolition of the tax proposed? The measure was, there could be no doubt, one which would benefit chiefly the proprietors of penny newspapers — those hobgoblins of which the noble Lord the Member for London charged those who sat upon the Opposition benches of being afraid. Those were the sprightly gentlemen whose aspirations "daily," "morning" and "evening" were for cheap paper at any price, and on them he did not mean to deny a great boon would by the repeal of the duty be conferred. They were naturally anxious to avail themselves of foreign paper duty free, and although it would appear from the fact of so many entering into the field that the trade which they drove was already sufficient to secure a competition, it might still be very far from being remunerative. The paper manufacturers, however, were beginning to see through the agitation maintained by those gentlemen, and the public to draw a distinction between those industriously employed in the manufacture of paper and the small section who so strongly advocated the withdrawal of the duty imposed upon it. The noble Lord at the head of the Foreign Office he might add, travelling wide of the subject, had led them away the other night to a dispute of which he had never before heard—a dispute between the Government and certain parties in Ireland. All he could say was, that he was totally ignorant of the matter, and no suspicion had ever entered his mind that any Government—no matter how that Government might be composed — would ever degrade themselves in the way to which the noble Lord had alluded. But, of all things in the world, the attempt to hold the Opposition responsible for what appeared in the columns of a journal which had been alluded to was most extraordinary, and he could not help regarding it as an attempt to lead the Committee away from the real question at issue. It was also said the Opposition played fast and loose with the question of a surplus, admitting it or denying it as it suited their convenience. But he did not consider it was the duty of an Opposition to decide whether there was a surplus or not. He was the last person in the world to dispute the great abilities of the Chancellor of the Exchequer, but he could not forget that last year, in spite of all his attempts to secure a surplus, even to the extent of trenching on the revenue of the following year, there was after all a deficit. Who was to assure them there would not be a deficit again? But, however, if the Chancellor of the Exchequer said he had a surplus it was not the part of the Opposition to deny it. He was alone responsible for his statements. From his experience in the House, which was now pretty considerable, he found that Liberal Chancellors of the Exchequer were generally troubled with two difficulties; they had always an increasing expenditure and a failing revenue. Last year the right hon. Gentleman had an enormous expenditure, but at the same time he was greatly favoured by circumstances, and yet he had a deficit. His surplus of the present year, too, was very much a matter of speculation. He was of opinion that the repeal of the paper duty would not benefit the people of this country. It was not a tax that affected the working and industrious orders of the country, and under those circumstances he should certainly oppose the clause for the repeal of the duty.

MR. LINDSAY said, it was impossible to conceive greater restrictions on trade than those imposed by the existing Act upon all paper manufacturers in the United Kingdom. They are subjected to various penalties from £100 downwards if they did not carry out the numerous and vexatious requirements of the Act, and were even bound, under a penalty of £50, to assist the excisemen in the discharge of their duties. No papermaker was allowed to establish a stationer's shop for the sale of his own manufactures within a mile of his mill, and if he did so he had to pay a penalty of similar amount. As great capital was now required for carrying on a mill, the trade had become almost a monopoly; and if the duty were repealed, he believed that the manufacture would increase 50 per cent, and that paper mills would spread all over the country, giving employment to a large portion of the rural population. That monopoly, indeed, was the reason why the paper manufacturers were not very anxious to have the existing restrictions removed. He thought that the conduct of the Opposition in objecting to the repeal was most unprecedented, and in his experience he had never known objection to be taken to a financial proposition on the ground that it did not impose a sufficient amount of taxation on the people, for that was practically the effect of the objections urged against the proposals of the Government. He had always conceived it was the duty of an Opposition rather to see the Estimates diminished in amount or kept within proper bounds. They might, perhaps, say they did not mean to increase the Estimates by £1,000,000, but to take the duty off some other article; but the House had already decided to give a preference to paper over tea. What, then, would they do with the million if it were retained? The hon. Baronet who had last spoken had said that the repeal of the paper duty would benefit only the proprietors of the cheap newspapers. What, however, were the facts of the case? Take a penny newspaper, circulating say 50,000 copies per day; the amount of benefit which the proprietors would receive from the repeal of the duty would be about £11,500 a year. But could any one suppose that the whole of that sum would go into the pockets of the proprietors? Far from it. The competition which existed, and which would then, no doubt, be increased, would have the effect of securing to the public a very much larger portion of that sum. The public would have the benefit of a better sheet of paper; and as knowledge was a marketable article, just as paper itself was, the public would have better means of obtaining information than was the case even at present. There would be a greater amount of talent employed on the cheap papers, and they would have information of greater value provided for the readers of those papers. Of the £11,500 from which a penny newspaper with a circulation of 50,000 would be relieved, not more than £3,000 would go into the pockets of the proprietors, while the public would be benefited to the amount of £8,500. They were now voting away every year a sum of nearly £1,000,000 for the education of the people, because they felt it to be a matter of necessity that the people should be educated, and because they believed that the educated man was a better workman than the uneducated. The skilled artizan would produce at a lower cost and in greater quantity than the unskilled man, and if they were able to produce at a lower price than other countries, they would have a better chance of selling the articles so produced in the different markets of the world; consequently it was to the interest of the country to educate the people. A newspaper was a great instrument of education, and many persons who would not attend mechanics' institutions or other places of public instruction were made happier and wiser by the newspapers which they read at home. It had been said in the course of the debate that the Opposition were waiting to see what would turn up. For a long time they looked hopefully to America and the East, but now they had got a windfall in the shape of the Galway contract. Who had circulated the report that the Government were disposed to continue the contract? Evidently that report had come from the Opposition. If the Government should be defeated that evening the country would understand that they were not defeated on the merits of the question, but because they did not make to certain parties concessions which they felt they ought not to make. He trusted, however, that hon. Members would look at the matter fairly and impartially, and in that case he could not but suppose that there would be a large majority on the side of Government.

SIR MINTO FARQUHAR said, it was impossible not to admire the manner in which the noble Lord opposite (Lord John Russell) had repudiated the imputation that negotiations had taken place between the Government and certain parties with respect to their support in that House. He was glad that the noble Lord had taken the opportunity of vindicating, not only the honour of the Government, but the honour of the House. At the same time he was not surprised that hon. Members from the sister country, when they found Ireland deprived of a great benefit, should express surprise and indignation at their representations not being entertained in the manner they expected. The noble Lord the Secretary for Foreign Affairs, in referring to the question more immediately before the House, had said that the Government came to a Resolution last year that the remission of the paper duty would be of great advantage to the country, and the noble Lord said he could not understand why that repeal should not take place. Now, he (Sir Minto Farquhar) would venture to say why the noble Lord ought to have paused before he made that statement. In the year 1858 the noble Lord, when the President of the Board of Trade brought forward his Motion with respect to the paper duty, stated that it was almost a matter of good faith, upon the next reduction of taxation taking place, that the duties on tea and sugar, which were war duties, should be reduced. He (Sir Minto

Farquhar) objected to the repeal of the paper duty, on the further ground that no Excise duty once abolished could be reimposed. That was not the case with Customs' duties. He (Sir Minto Farquhar) was sorry to hear some of the noble Lord's remarks as to America, because he regretted to hear him intimate the possibility of any Englishman exulting at the present state of affairs in America. He was satisfied that there was no one on either side of the House who entertained such a feeling, and who did not ardently hope that such a frightful calamity as civil war might yet be averted from that country. The hon. and learned Member (Mr. Mellor) who had opened the discussion that evening had expressed his surprise that the hon. Baronet the Member for Tamworth and the hon. Baronet the Member for the West Riding should oppose the Chancellor of the Exchequer and the noble Lord at the head of the Government, for whom they expressed such great respect. He (Sir Minto Farquhar) could see no force in such an appeal. He had enjoyed the friendship of his right hon. Friend the Chancellor of the Exchequer from his early youth. He had been with him at Eton and at Oxford, where his right hon. Friend was *facile princeps* in the debating society, as he was in that House. He still retained his regard for his right hon. Friend, but that was no reason why he should agree with him in his political views. For, notwithstanding all that had been said with regard to the remission of the paper duty, he had heard nothing to induce him to depart from the opinion he held, that it was impolitic at the present moment to repeal the duty; and that other duties, such as the war duties on tea and sugar and the income tax, ought to be reduced as much as possible before the question of the repeal of the paper duty was entertained. When the question of fire insurance was before the House, the Chancellor of the Exchequer had pathetically introduced the case of the "real old woman," as he called her, to the consideration of the House, saying that there was not one of that class, living on 2*s*. or 3*s*. a week doled out by the Board of Guardians, who had not a direct interest in the reduction of the duty on tea, and he asked what she could possibly care about the reduction of fire insurances? But the question might be asked now, What did the dear old lady care about the repeal of the paper duty? If the duty on the "cup which cheers but not inebriates" were repealed, then, indeed, she would care, and be thankful to the Chancellor of the Exchequer for giving her cheap tea. He agreed with the right hon. Gentleman in 1857 when he actually made a speech which was, as it were, an anticipatory answer to that of 1861. To whom did that speech of 1857 refer? Why, it applied to his right hon. Colleague the Secretary of State for the Home Department, who then held the office of Chancellor of the Exchequer. The inconsistencies elicited in the course of these debates were remarkable. In 1857 the Chancellor of the Exchequer denounced the income tax as a dangerous instrument in time of peace. The arrangement of 1853, by which the income tax was to come to a gradual termination, he described as a compact made, not only with the right hon. Gentleman the Member for Bucks, but also, and above all, with the people of England. Neither in 1860 nor in 1861 had that compact been carried out. The right hon. Gentleman went even further than that, for he said he could not be absolved either in honour or conscience from the duty of realizing the promises and expectations that had been held out. While the Chancellor of the Exchequer was now urging the repeal of the paper duty in preference to a reduction of the war duties on tea and sugar, it was somewhat remarkable that the right hon. Baronet the Home Secretary never opened his mouth on the subject. Neither the Secretary of State for the Home Department, nor the Secretary of State for India, nor the right hon. Baronet the Member for Portsmouth (Sir Francis Baring)—all distinguished Financial Ministers — had ever risen to support the Chancellor of the Exchequer's Budget. A night or two before the Budget was brought on the hon. Member for Lancaster (Mr. Gregson), who sat on the Ministerial side of the House, had made a most feeling appeal to the Chancellor of the Exchequer to reduce the duty upon tea, and entered into a statement with the view of showing how such a reduction would most probably be made up by the increased consumption of the article. It was true that the right hon. Gentleman rather ignored those arguments in his reply. But what happened when the Chancellor of the Exchequer brought in his Budget? The same hon. Gentleman said, though he was inclined to propose himself a reduction in the tea duty, he, nevertheless, could not afford to give up the Chancellor of the Exchequer and embarrass the Government at such a crisis as the present. There again was the hon. Member for Honiton (Mr. Moffatt), who actually impugned every figure of the right hon. Gentleman's financial statement, and he thought that the hon. Member (Mr. Moffatt) would at least have stuck to his text, but the right hon. Gentleman had replied to the hon. Gentleman at great length, and he supposed it must be assumed that he had converted the hon. Member, as he had supported the Government. He saw opposite to him another hon. Gentleman, the Member for Liskeard (Mr. Bernal Osborne), who had last year spoken as well as voted against the Budget of the right hon. Gentleman.

MR. BERNAL OSBORNE:—No:—I abstained from voting on the Budget last year.

SIR MINTO FARQUHAR: Nevertheless, the hon. Gentleman spoke in eloquent terms against the policy of repealing the paper duty, condemning the measure of the right hon. Gentleman as rash, reckless, and improper. That hon. Gentleman was now to be seen supporting the measure of the Chancellor of the Exchequer. It had been said that those who voted against the repeal of the paper duty were not the friends of mechanics' institutes and of public libraries and reading rooms. Now, on the part of the Opposition, he (Sir Minto Farquhar) repudiated those charges. They were still advocates of all such institutions, but they asserted that the repeal of those paper duties would not afford to them anything like the amount of relief supposed by hon. Members on the Ministerial side of the House. The hon. and learned Gentleman who moved the adjournment of this debate (Mr. Mellor) charged hon. Members sitting on the Opposition benches with being opposed to the relief of the industry of the people. But did the hon. and learned Gentleman pretend to say that the reduction of the war duties upon tea and sugar and the income tax would not afford a considerable relief to the industry of the country? He (Sir Minto Farquhar) contended that in relieving the people of those duties they would be giving the greatest, the most just, and natural impulse to all those springs of action which contributed to the happiness and prosperity of the country. He had himself presented a petition from a newspaper proprietor in the county of Hertford against the repeal of the paper duty, on the ground that it was a species of class legislation. The petitioner said that though the repeal would confer a small pecuniary benefit on himself, he, nevertheless, thought it was not worth the cost of £1,500,000 which the people would have to pay for it. His constituents had also sent up a petition stating their opinion that the reduction of the duties on tea and sugar would be a far greater benefit to them than the repeal of the paper duty. He fully concurred with them in that sentiment, and would support it by his vote. The party with whom he acted in that House had been charged with causing an unnecessary delay in the passing of this measure. The importance and peculiarity of the measure, however, demanded the most mature consideration of all its details. About a fortnight ago the Chancellor of the Exchequer spoke strongly upon the evils arising from the delay in the passing of this measure; he said that trade was suffering, the Customs were suffering, and many great commercial arrangements were suspended in consequence of this delay. But what was the conduct of the Government on Monday night last, when it was generally understood that a division would be taken? An hon. and learned Gentleman on the Ministerial side of the House having moved the adjournment of the debate, so far from the Chancellor of the Exchequer rising up in his place and protesting against that further delay, the right hon. Gentleman countenanced it by his silence; and the noble Lord at the head of the Government, who had taken two divisions against the question of adjournment a fortnight ago, actually stated on last Monday night that he saw no objection to the adjournment, as he considered the question so important that all the Members ought to have an opportunity of speaking on it. Rumours had arisen in consequence of that delay, for which it was not difficult to account. The hon. Member for the Tower Hamlets had talked of the windfall of the Galway contract. There had been some talk, also, of a messenger from Ireland coming to his right hon. Friend the Member for Bucks. His right hon. Friend had summarily disposed of that charge by stating that he had held no communication with any person from Ireland on this subject. The President of the Board of Trade shook his head. [MR. MILNER GIBSON: That he had had no interview with any one from Ireland.] The right hon. Gentleman was rather splitting straws in making this distinction.

He had believed his right hon. Friend in the full sense of his words, as he had given credit to the assurance of the noble Lord on the Treasury Bench. On Tuesday there appeared in one of the morning papers an article, an extract from which he would read to the House. The paper to which he referred was known to be a great admirer of the noble Lord at the head of the Government. He was not surprised at this latter circumstance, for he was a great admirer of the noble Lord himself. He said that sincerely. He thought the noble Lord had an English heart, and was a distiguished statesman. Well, in reference to the adjournment on Monday night, the paper to which he alluded had the following among other observations:—

> "The temptation which has for so many weeks urged the Conservatives to waste the public time has again proved too strong to be resisted. Again the debate has been adjourned. Another night has been sacrificed to satisfy their feverish desire to see what may yet turn up. The abuse of a Parliamentary privilege renders it at all times easy for a factious minority to compel an adjournment; but the public will pronounce an impartial verdict upon a line of conduct so detrimental to the material interests of the country."

He presumed that the editor of that paper laboured under the impression that the adjournment of the debate on Monday night had been moved for by the Conservative instead of by the Ministerial side of the House. A good deal had been said on the subject of a general election, and sending hon. Members to the hustings. He, for one, was by no means afraid to face his constituents upon such a question as this, and he believed he might say the same generally of hon. Members on the Conservative side of the House. They were aware that the Conservative interest had shown increased strength during the last twelve months, and this debate would give further strength to their cause all over the kingdom. Though no man wished to be sent to his constituents too soon, he believed he spoke the sense of his hon. Friends around him when he said that they were prepared to go. He could not regard the porposition before the House as a part of a system of sound and wise legislation. He must look on it rather as the result of a political understanding. He could not think that there was a unanimous opinion in its favour on the part of the Cabinet themselves, for he could not but recollect that a few weeks ago the noble Lord at the head of the Government intimated to a deputation that there was no intention to repeal the paper duty during the year. He felt bound to give his opposition to this measure for these reasons, and further because he believed it to be antagonistic to the true interests of those whom he represented, and contrary to the feelings and wishes of the great majority of the people of England.

Mr. BERNAL OSBORNE: I am sure, Sir, that there is one point mentioned by my hon. Friend in the course of his speech in which the great majority of this House will be disposed to concur. There has been such great discussion on this article of paper—there have been such interminable debates on all that refers to it, that most of the Members of this House will join in the wish expressed by my hon. Friend to go to the country, or to go anywhere else, so as to be rid of this paper business. But, whatever may be the consequences arising from those prolonged - those ever beginning and never ending discussions — I must say that I think Her Majesty's Government have no complaint to make of the course taken by the hon. Member for Dorsetshire, who will give the House an opportunity of pronouncing a direct opinion on the subject by his proposition to negative the clause for repealing the duty. After the interminable and purposeless debates which we have heard in this House, inaugurated by the hon. Member for Huntingdon (Mr. T. Baring) and followed up by the exhibition of a Hibernian mare's-nest, presented to us in a somewhat addled state by the hon. and learned Member for Sligo (Mr. Macdonogh), neither of whom tested the House by going to a division, it is somewhat refreshing to find that an hon. Member is about to submit an "Aye" or "No" by which the question may be fairly decided on a Parliamentary division. I was twitted by my hon. Friend who has just resumed his seat with having abstained on a former occasion from voting for a repeal of the paper duty. He has quoted certain words of mine by which I abide; and, were I about to discuss this question from a financial point of view, I would reiterate those words; but I consider that this question is taken out of the general fiscal view. What has occurred since the subject was under discussion here last year? No one can forget that this House has twice affirmed the repeal of the paper duty; and that, by what I think a somewhat great stretch of power, the House of Lords has placed us in a totally different position from that which we should otherwise have occupied. Looking at the matter in that light, I am not prepared to discuss this question, or to vote on it, upon mere fiscal grounds. I think they are the truest friends of the rights and privileges of both Houses who seize the first opportunity of putting an end to a state of things which may induce further jealousy and irritation between the two branches of the Legislature, and for that reason I would vote for a proposition calculated to effect that object. I cannot agree with the right hon. Member for Buckinghamshire that this is purely a financial question. He says there is no quarrel between the two Houses. Granted. But although there be no quarrel between the two Houses, does that right hon. Gentleman or any other hon. Member mean to assert that they are not laying the seeds for future differences by leaving this question completely unsettled? The right hon. Baronet the Member for Droitwich (Sir John Pakington) is an able and a bold man, who would not hesitate to take the command of the Channel fleet in any difficulty; he is not afraid, but we have not all those iron nerves or that great confidence which he possesses. I think this is altogether an exceptional case. It is exceptional in a financial point of view, because it takes a place among constitutional questions which it behoves the House finally to settle. In the discussion the other night we heard a good deal about the public apathy out of doors, and the hon. Member for Dorsetshire stated that his constituents felt no interest in the subject; but I understand a great many of his constituents do take an interest in it. He was followed by a Gentleman who thought he had disposed of the question by a quotation from Macaulay as to the apathy of the public upon the question of the privileges of this House upon Money Bills. I drew a different inference from that quotation. If there be any apathy on the part of the people, the more it behoves the Members of this House to be watchful, and not to give up the privileges of control over the purse, which are the essence and cornerstone of our liberties. So much for the argument about public apathy. But an hon. Gentleman for whom, from the great carefulness he displays in collecting statistics, I entertain a great respect—argued this question from a purely Irish point of view. I refer to the hon. Member for the King's County (Mr. Hennessy). But I was surprised to find that in discussing the question of the repeal of the paper duties that hon. Gentleman went back to the old Budget, and attempted to prove that the reduction of the duty upon foreign butter had been fatal to the Irish agriculturists. The hon. Member may be a good judge of statistics, but I must take leave to tell him that he never made a more unfortunate mistake than when he referred to the sale of Irish butter as having deteriorated since the reduction of duty upon foreign butter, for it is notorious that among the thriving traders of the south of Ireland are to be found the dairy farmers of that country. It was evident that the hon. Gentleman, although he represents a body of dairy farmers, had very little dairy land in his own possession when he made that statement. The fact is, that since the reduction of duty upon foreign butter the prices of Irish butter have almost doubled. The hon. Gentleman, I understand, was one of the Irish vice-Presidents of the Society for the Repeal of the Taxes upon Knowledge, which, of course, included the paper duties. That seems odd, as he now vigorously opposes the repeal of the paper duties. I am surprised, too, to hear objections from the hon. Gentleman, because we know that in Ireland, notwithstanding her great advantages of water power, the erection of a paper mill is an exceptional case, while the closing of paper mills is but too common. In 1838 the number of paper mills in full operation in Ireland was 61, while in 1861 they had dwindled down to 26. Is it too much to expect that if the paper duties are repealed Ireland, with her great facilities for manufacture, and her immense water power, is above all the country that will be benefited? I have not been a member or a vice-president of the Society. I can imagine that cheap literature may combine somewhat of the cheap and nasty form. I can imagine that; but, at the same time, the great criterion of advancement and social progress is the number of publishers and booksellers in a country. Now, what is the case in Ireland? I am obliged to take 1859, as it is the latest period at which the numbers were published. I find that in Ireland there are 74 towns, with a *minimum* population of 7,500, under the census of 1841, without a single bookseller. Scotland, with one-third of the population, has three times the number of booksellers, being a proportion of 9 to 1. I have a list here of 74 towns without a single bookseller, which I will show to the right hon. Gentleman opposite who is about to increase his Irish connection. There is Dungarvan, Carrick-on-Suir, Youghal, Carrickfergus, Cashel, Newtonards, Lisburn, and Kinsale. There are also six counties which cannot boast of a single bookseller or circulating library. They are Donegal, Kildare, Leitrim, Queen's County, Westmeath, and Wicklow. That is for the year 1859; there may be some changes since. Let hon. Gentlemen go through Irish towns, and they will notice that the most striking fact is the absence of booksellers. Is it too much to expect that if you give an impulse to the paper trade the number of booksellers will increase? I was much struck the other night with a remarkable speech from the back benches on this side. That speech created a great impression, as might be expected, not only from its ability, but from the position of the hon. Gentleman who delivered it as Member for the West Riding (Sir John Ramsden). It has been objected to the Chancellor of the Exchequer that he is the keystone of the arch which connects Birmingham with Tiverton. I do not find any great slur in that, as it seems to me that those who open communications between distant and extreme portions of the country are deserving of praise rather than of blame; but of the speech to which I allude I think it may be said that it was the subterranean viaduct that connects Yorkshire with Stroud. There was a family likeness to another speech—one might almost say they were "counterfeit presentments" of two brothers—in eloquence, diction, and in sentiment. But the hon. Baronet began by making a most extraordinary blunder for one who has ever held office. He talked about a surplus as a thing actually in hand, and that the Budget was theoretical and dependent on the future. I was astonished to find the hon. Baronet talking of a speculative surplus and doubting the existence of a surplus; but whatever he thought we find him voting for taking off the tax upon tea, which would make the surplus worse by some £300,000 than the repeal of the paper duties, and he went on in an alarming strain about troubles in America and in Europe, while if he were consistent he ought to have resisted the taking off the penny from the income tax or any tax at all. He was consistent in opposing the repeal of the paper duties, but when he went on to dispute the existence of a speculative surplus he was not entitled, giving the reasons he did, to term the Budget of the Chancellor of the Exchequer the expedient of a speculator upon the Stock Exchange. I confess I have been puzzled to discover in the course of this debate what is the object of the Opposition. It really is a problem which is not yet solved. If the right hon. Gentleman the Chancellor of the Exchequer had come down to the House and announced a deficiency, and had proposed to lay on new taxes, I could understand this ceaseless opposition. But he does no such thing. He comes to us with a surplus, which is admitted even by the right hon. Gentleman the leader on the other side. Does he propose to lay on any new tax? No, but to remit one; and yet night after night he is met by this ceaseless and untiring opposition. There must be some reason for it. My hon. Friend the Member for Tamworth (Sir Robert Peel) disclaims any personal attack upon the Chancellor of the Exchequer, and twits the noble Lord the Member for London with having made use of his usual claptrap. Well, that is not confined to the noble Lord. I fully acquit my hon. Friend the Member for Tamworth of entertaining any feeling but one of affection and regard for the Chancellor of the Exchequer, and I am sure it is with pain he is going to vote against him; but when he quoted a bit about "empty coffers" from *Timon of Athens*, did he recollect Timon's answer—

> "I am not of that feather, to shake off
> My friend when most he needs me; I do know him
> A gentleman that well deserves a help."

At any rate, differing from the hon. Baronet, I feel convinced that the object of the Opposition is, if not to break up the Government as a whole, at least to weaken it in detail by ejecting from the Cabinet one whom I look upon as its very soul and lifeblood. If this is not the object of hon. and right hon. Gentlemen opposite, why are these compliments paid to the noble Viscount at the head of the Government, to the disadvantage of the Chancellor of the Exchequer? I trust, however, that the House and the thinking and considering people of the country will stand by the right hon. Gentleman. We have heard something of *Timon of Athens;* but let me turn from him to the author of the *New Timon*, the right hon. Member for Hertfordshire (Sir Bulwer Lytton), whose motives and conduct are as much above suspicion as his abilities are above criticism. And what is his opinion on this question of cheap literature? The right hon. Baronet was the first man who, twenty years ago, brought in a Bill to repeal the taxes on knowledge; and he has always remained of the same opinion on that question, though he has changed it on some others. In 1855 the right hon. Member said—

> "The question really is between the tax-collector and the public, and it is this—whether it is not time that we should enforce that great principle of the constitution, of civil liberty, and of common sense, which says that opinion shall go free, not stinted nor filched away by fiscal arrangements. . . . . Thus much it is just to say on behalf of the working classes, to whom we are told that cheap libellous periodicals will especially appeal, that no class hitherto has so little supported newspapers of a libellous and gossiping character as the working classes of this country. I remember when certain Sunday journals profaned the Sabbath by hebdomadol ribaldry and scandal. Who supported them? I fear it was the clubs and the drawing-rooms, certainly it was not the working-class."—[3 *Hansard*, cxxxvii. 1123-24.]

After that let us hear no more about the change benefiting libellous publications. I have quoted a great authority, to which the House cannot object. In the course of this discussion we have heard something of an illegitimate majority; we are told there may be such a thing as an illegitimate majority. But I can conceive no majority so illegitimate as one that, under pretence of discussing the repeal of an Excise duty, only covers a local squabble. We have heard of the Galway contract. I fully acquit the right hon. Member for Bucks of knowing anything about it. He is too independent to be bothered by Father Daly or anybody connected with it. But let me read a passage from a speech made by a distinguished supporter of the right hon. Gentleman at a public meeting, held on Saturday last, in Dublin; it is from a speech of Mr. Vance, the Member for Dublin. ["Order!"] Well, is he not Member for Dublin? He said—

> "He thought it was very judicious in the meeting to tell the Irish Members that the people expected they would attend the House next Monday; and if the Government refused to rescind the determination which they seemed to have arrived at, to drive them forthwith from the helm of State. There were worthy and excellent men to succeed them, who might have their entire confidence."

After this can we be told that the right hon. Gentleman is not looking to the Irish Members? Let the hon. Member for Dublin explain what he means by driving the present Government from the helm of State, and putting other "worthy and excellent" men in their places. I do not doubt the statement of the right hon. Member for Bucks—I believe every word of what he has stated to-night; but I do not believe that all his party are as innocent as he is himself. I yield to no one in the interest I take in the prosperity of Ireland; let this Galway contract be brought before the House on its own merits and I shall be ready to give it every consideration. It is an Irish question, and when a hundred Irish Members are united on any point whatever the English House of Commons is bound to attend to it; but do not convert an Imperial question of taxation into a mere local squabble; do not use this paper-knife merely to terminate the existence of the Government, or you will deteriorate your value as Members of the House, and put a stamp upon Ireland she neither desires nor deserves.

MR. MONSELL said, he had never heard a speech that filled him with more astonishment than that of his hon. Friend. It was the first instance in that House, he had ever heard of anyone announcing his intention to support a financial measure that he admitted was unwise and unsafe. That support rested entirely on the fact that the House of Lords rejected the measure last year after it had been passed by the House of Commons; but if, as the right hon. Member for Carlisle admitted, the House of Lords only exercised their undoubted right, in so doing, would it not be more reasonable in the House to accept the new position in which it was placed by what the other House of Parliament had done, and consider the measure simply on financial grounds, without allowing any other motives to influence its judgment? As for himself he was in no way influenced by the Galway contract or any other extraneous question—he was about to repeat the vote he had already given, but he was at a loss to understand how those who objected so strongly to other Members being influenced by the Galway contract, could themselves confess that party, as opposed to financial considerations, would govern their own votes. Though he should with great regret give his vote against the Chancellor of the Exchequer, yet he should give it on financial grounds only. Was it wise to abandon for ever such a large source of revenue, and thus prevent any future Chancellor of the Exchequer from reducing the too heavy amount of direct taxation, while if the state of Europe and the country required an increased expenditure, the amount of that taxation must be increased? He did not deny that the repeal of the Excise duty on paper would be a good thing; but they had abundance of evidence that it was not the Excise duty alone that impeded the progress of the paper manufacture. The Irish paper manufacture had been much referred to. The question was asked, "How is that paper can be made so much cheaper abroad than in this country?" to which the reply, of the one engaged in the trade, was, "Solely on account of the lower price at which foreign papermakers get their raw material." Then the difficulties of getting rags were stated, and it was evident from their whole statement that the papermakers believed the obstacle in the way of increasing their manufacture to be not the Excise duty so much as the difficulty of getting a sufficient amount of raw material. His hon. Friend talked about the spread of knowledge in Ireland being hindered by the paper duty; did he seriously believe that it was the paper duty that prevented the light of knowledge from shining on those benighted towns of which he spoke? If he did so believe he was very inconsistent in disapproving the remission of the duty last year. In point of fact, no rational man could believe that the saving of ½*d.* on each copy of *Colenzo's Arithmetic,* and on other books in that proportion would cause one single new bookseller's shop to be established in Ireland or anywhere else. It was said that since 1838 the small paper mills in Ireland had very much decreased in number, but during the same period the quantity of paper manufactured in Ireland had doubled. The reason for the fact alleged was exactly that which caused small manufacturers to be driven out of any other trade—namely, because machinery had been introduced, which required a large capital to work it; and hon. Gentlemen were much mistaken if they supposed that by remitting the paper duty they would increase the number of small mills. Was that, however, the time to give up a permanent source of taxation, which it would be difficult to replace, considering both the financial condition of the country, its enormous expenditure, and the critical state of affairs abroad? The treaties which once bound the nations of Europe together had, they were told the other day by a Prince of the Imperial house of France, been cut in pieces by the sword of the Emperor of the French; and the large armaments which we should be compelled to maintain, together with the change in our arms which was now at much cost being effected, rendered it impossible at the present moment that we should largely reduce our expenditure, while if any difficulties arose abroad we should be obliged to increase it. Under these circumstances would the House purchase the repeal of the paper duty by an increased income tax? That was the real question. The real issue was direct or indirect taxation. Having a strong opinion on this question, and believing that Ireland was deeply interested in it, and would feel far more any new direct tax than the repeal of the paper duty, he only wished that the noble Lord at the head of the Government would allow the vote to be taken that evening on financial grounds only. If the noble Lord would only state that this was not a party division, and that Gentlemen would be allowed to vote as they pleased, his hon. Friend (Mr. Bernal Osborne) would then walk into the lobby with those who opposed the clause, along with about half the Members on the Ministerial side of the House. [*Cries of* "No!"] Hon. Gentlemen might cry "No!" but all the discussions and conversations he had heard during the last month convinced him that the repeal of the paper duty was not popular on the Ministerial side of the House, and was unpopular in the country. The country felt that the repeal of the paper duty was only a prelude to increased direct taxation. To this they objected, and he objected also; so that, though he deeply regretted opposing his right hon. Friend, he should feel bound to vote against the clause.

MR. BENTINCK said, he thought the right hon. Gentleman who had just sat down had given the noble Lord at the head of the Government a very sensible piece of advice in recommending him to treat the question irrespective of all party considerations; that was the only rational course to adopt when they were in Committee upon a financial question, for the moment they turned questions of the sort into party questions they violated the first duty of the House of Commons. He had been surprised at many parts of the speech of the hon. Member for Liskeard, but he was most surprised to hear him say that his object was to allay irritation. He had often listened to the speeches of the hon. Gentleman, but that was the first time he had ever heard him profess a wish to allay irritation, and whatever his wish might have been, he had not been particularly successful in the attempt. The hon. Gentleman had asked what were the objects of the Opposition in opposing this clause? Now, the Opposition was composed of various sections, who held different views on this subject, in which respect it was remarkably like the Ministerial side of the House. He was only a unit of that Opposition; but he would state very briefly the grounds on which he should give his vote. They had heard a great deal upon the question of a surplus, and its existence had been both affirmed and denied. Much had been said about the statements of the right hon. Gentleman for Buckinghamshire that there was a surplus. It was his misfortune to differ from the right hon. Gentleman on that question. He did not think a surplus could be said to exist when that alleged surplus consisted partly of money borrowed and partly of money the receipt of which was doubtful. The Chancellor of the Exchequer based his financial statement on the assumption that the House of Commons were bound to re-enact every existing tax; but he thought no Chancellor of the Exchequer was warranted in declaring the existence of a surplus when that surplus was dependent on a future decision of the House of Commons. So far from a surplus existing, there was a deficit to the amount of the whole income-tax and all the tea and sugar duties. If he wanted to argue against the Budget he could find no argument so strong, and no language so clear, convincing, and conclusive as that contained in the two celebrated speeches made by the Chancellor of the Exchequer in 1853 and 1857. The general aspect of affairs at this moment was such that no man would venture to predict what would be our actual financial position a few weeks hence. In these circumstances was it wise to re-enact the tea and sugar duties, and repeal the paper duties, which could not be re-enacted again? They had heard a great deal about the Galway contract, but he thought it would have been much better if that question had not been raised in the present discussion. He fully accepted the denial of the right hon. Gentleman the Member for Buckinghamshire that he had had any communication with any one on the subject of the Galway contract. Nay, more; though it was not always his good fortune to agree with the right hon. Gentleman, he could from his own knowledge vouch for the fact that his views with regard to the policy of repealing the paper duty were held altogether irrespective of any considerations arising from the Galway contract. He also accepted the statement made by the noble Lord the Member for the City of London, and acquitted the Government of entering into any unworthy trafficking or negotiations with any Members to influence the decision of the Committee upon the question. He begged to say, without delivering any opinion on the merits or demerits of any decision which the Government might have come to with reference to the Galway contract, that if the investigation consequent on the papers being laid on the Table should lead to an abrogation of that contract he would rejoice at it, and for this reason, that it would probably be the first step towards the abrogation of all contracts of that kind, for he looked upon the whole system as one of spoliation and plunder. If they were to have the blessing of free trade, they ought to have it in postage as in everything else. Two remarkable instances had come to his knowledge which to his mind, proved that Gentlemen opposite were mistaken as to the views of the country on this question. Some time ago the hon. Member for Norwich presented a petition from that town in favour of the repeal of the paper duties, and he naturally came to the conclusion that that petition represented the opinion of the people of Norwich generally. But since that time a counter petition had been presented from Norwich, signed by 1,400 of the most influential inhabitants, of all shades of opinion, and in favour of a reduction in the tea and sugar duties. A petition had been presented from Coventry to the same effect, and showing that an earlier petition in favour of the repeal of the paper duty did not express the feeling of the people of that large town. But he would turn to what he considered the turning point of the question. He wished to appeal to the noble Lord at the head of the Government, who now seemed by his attitude to be preparing himself for the coming struggle. He would, however, do his best to attract the attention of the noble Lord. He had on two occasions asked the noble Lord whether, as Prime Minister of this country, he did not think that the occurrences in America would render it necessary for us to increase our armaments, and were likely to cause a falling off in the revenue derived from Customs and Excise?

The first time he failed in obtaining a reply; but on the second occasion he received from him the marvellous answer that what was passing in America would not, in his opinion, render it necessary to increase our armaments, and that our Customs and Excise revenue was not likely to be diminished. There might at that time have been some remnant of doubt as to what turn affairs would ultimately take in the United States; but now there could be none, for a civil war was raging in that country, and was not likely to terminate till the one party bore the other down. Under these circumstances he would again put the question to the noble Lord whether he did not think that an increase of our armaments would be necessary, and that our Customs and Excise revenue was likelyt (suffer from the disastrous state of of affairs in America? He put these questions, not out of a spirit of hostility to the Government, but because he thought they were paramount to all other considerations. At a time of great financial difficulty they were about to do away with an amount of revenue which the country could ill spare, and which could not be replaced; and they were going to inaugurate a system of taxation now advocated by the Chancellor of the Exchequer, but originated by the hon. Member for Birmingham.

SIR JOSEPH PAXTON said, he would entirely confine himself to the question as it affected his constituents. The fact had been referred to in the course of debate that the hon. Member for North Warwickshire presented a petition from Coventry against the repeal of the paper duty. He (Sir Joseph Paxton) presented that evening a petition from the Chamber of Commerce of Coventry in favour of a repeal of the duty. And he had received another petition from the leading riband manufacturers of the place to the same effect, but it did not reach him in time for presentation. That petition was accompanied by a letter from the Secretary of the Riband Manufacturers' Association of Coventry, which stated that the manufacturers paid between £35,000 and £40,000 a year for paper, the duty on which amounted to nearly £10,000. He claimed the vote of the hon. Member for North Warwickshire on this occasion, because that hon. Gentleman said he would vote for the repeal of the paper duty if he thought it would give relief to the distressed riband maker of Coventry. Within the last four years there had grown up a practice of packing ribands in a new way. A yard of paper was placed between every yard of riband, with a view of showing the article to advantage. This practice was introduced by the French, and the manufacturers of Coventry were obliged to bring their ribands to market in the same style, and they had to contend against a tax in the shape of paper duty, while the foreign articles—riband and paper included—were admitted free of duty. It was said that they got a drawback. He held in his hand a piece of cardboard which paid duty, but on which, as soon as it was converted into what was called the Jacquard card, a drawback was allowed. But that was not the case with regard to the paper used for blocking riband. He knew one manufacturer in Coventry who paid £400 on account of this duty, and in the present state of the riband trade could it be said that that was not a heavy burden? He hoped that fact would have some effect on hon. Gentlemen opposite. A great deal of extraneous matter had been introduced into the debate. The hon. Member for Radnorshire had said that the proposition of the Chancellor of the Exchequer was a sop given to the most unpopular party in that House. He could only say that if those who contributed to the repeal of the corn laws and to the removal of taxes upon industry were an unpopular party, he was anxious to belong to it.

MR. COBDEN: Mr. Massey, it has not been my good or ill fortune to have been present in the House for six weeks during which this complicated question has been discussed; I, therefore, do not know exactly what has already been said, and I am fearful that in what I may say I shall probably only be repeating what has been better stated before. I will be very brief, therefore, in what I do state. I should not have spoken at all, but that I am anxious to make one word of allusion to a subject in which I have been myself concerned. Now, Sir, I will treat this question as it appears before us, without importing any extraneous matter. The proposal is, that we repeal the paper duty. I thought the question of substituting tea and sugar for paper had been disposed of. I thought the question whether or not we have a surplus had been settled. But whether or not, for my part, I am willing to take paper from the Chancellor of the Exchequer as he proposes, and when he professes to have a surplus, I leave him responsible for his calculations for the future. Now, Sir, it is something new in our Parliamentary proceedings to see a party united, persevering, constant in their resistance to the repeal of a tax. I have seen—nobody has seen more than I have—that we can have parties united to maintain what are called protective duties—that is, duties not laid on for the purpose of revenue, but for the protection of a native industry. That I can understand as being a good basis for a party, and a party who had that cause in hand fought long and boldly for it, though they were beaten in the end. But I never before met, in all my Parliamentary experience, with a party who has taken its stand in opposition to a Chancellor of the Exchequer to prevent the remission of any tax. But we have now a systematic opposition to the repeal of this duty—a party banded together for the purpose—and in whose interest? And who are the parties outside of this House who oppose the repeal of the paper duty? We cannot disguise from ourselves that they are the large paper manufacturers, and the large paper printers. These are the parties who have originated the movement. It is not a new thing—it is not unnatural. I have seen something of the kind before. The very earliest public movement with which I was connected nearly thirty years ago was accompanied with the same thing. I recollect that a deputation came up to London on the subject of the repeal of the Excise duty on printed cottons. They saw Lord Althorp, then Chancellor of the Exchequer—a shrewd, sensible man, as we all know—and I remember quite well that in the course of their conversation the remark was made that, although all the young calico printers and many of the most respectable among the old firms were in favour of the repeal of the duty, the greatest house in the trade was opposed to the repeal of the tax. Lord Althorp, with that instinctive sagacity for which he was remarkable, instantly replied that he had never heard so strong an argument in favour of the repeal of the tax, for it was quite evident that if any cotton printers were interested in keeping the tax on, it could not be for the public interest. And what are the grounds on which these parties—who are not cotton printers, and not, as our opponents then were, harmless individuals in their strength—who have power, who use a mighty instrument, who are organs of public opinion in this country to which many of us have succumbed in times past, and to which too many of us are ready to succumb now? What are the grounds on which these parties justify their resistance to the repeal of this tax? Last year the whole of Europe resounded with their cry for free rags, simply because they wished to make a party war out of paper. I was at the time on the Continent, and it seemed as if the *Chancelleries* of almost all the embassies in Europe were ringing with this question of rags, simply because one notorious print that wished to make a party question of rags, sounded the alarm that we had been defrauded in the treaty with France, because she would not allow the exportation of rags duty free. I may say in passing—and it is all I have to say on the subject—that, so far as regards the French Government in its dealing with this question of rags, it acted towards me not merely with perfect good faith—for that is a small compliment to pay any Government—but it showed an enlightened appreciation of the business it had on hand, and it took especial precaution that there should be no misunderstanding upon the subject of rags. The French Government, as we all know, had a prohibition on the exportation of rags, but we know also that other countries on the Continent—such as Belgium and the Zollverein—had a prohibition against their exportation as well. The French Government contemplated, after completing the treaty with us, making treaties with Belgium and other countries on the Continent, and they wished to retain in their hands the power of making concessions on the question of rags to those other countries from whom they might in return ask for a certain reciprocity. If they had allowed exportation to those countries without stipulating for reciprocity from other countries it must be evident that they would at once have parted with their power of preventing their rags finding their way into those countries. Exportation differs from importation in this—you may give one nation an advantage in importing goods, but when once you allow of the exportation of goods you cannot prevent their free circulation into other countries. The French Government, therefore, with my full consent, retained that question of the exportation of rags in their hands. The House may remember, if it is worth while to go back to them, what a volley of foul imputations was poured on the Emperor of the French and on his Government, what unscrupulous charges of having imposed upon me in this matter of rags. That is the spirit in which this matter was resisted, and let it be a warning to hon. Gentlemen opposite how they touch this question, and how they deal with these parties. How is it that at this moment you hear very little of that question? It is because the cry, the falsehood, has been extinguished by subsequent knowledge of the truth. But, leaving this question of the treaty, to which I am not going to refer further, how does the question of rags really affect the matter in dispute? Have the papermakers any more right to claim protection for paper because other countries have the advantage in rags than you had to claim protection for your corn because other countries had an advantage in the production of that article? Nothing is more certain than that we adopted it as an inflexible principle that we would never regard the cost of the production of any article, and that we claimed the right of importing all productions, and the cheaper they were produced the more we insisted on it. When you claimed exemption from that principle—I am speaking now to the landed interest, which appears to have allied itself with the opponents of this remission — when you claimed protection against the importation of Russian corn, because you said you could not compete with Russia, where corn was produced by the labour of serfs fed on black bread—and protection against corn from America, where land could be bought in fee simple for 6*s*. an acre, whereas the English farmer had to pay 20*s*. an acre for rent—these very parties, who set up a claim for protection upon paper, laughed you to scorn, and denied you the protection you then sought. The case of sugar is still stronger, because when we claimed the admission of foreign sugar there was the strongest argument that could be found in favour of protection to colonial sugar. The planters said they were obliged to raise it by free labour, whereas their opponents raised it by slave labour, and not only had they no slaves, but it was made felony to buy a slave. Still we disregarded these arguments, and we admitted foreign sugar on a perfect equality with colonial sugar. All these things must be well remembered, particularly by hon. Gentlemen opposite, who were then refused the protection they sought in their own case. What is the ground on which this paper duty is to be made an exception to all other Excise duties? Is it a novelty that we are now coming to ask for the repeal of the Excise on paper? By the way in which my right hon. Friend the Chancellor of the Exchequer is attacked one would think that this is some novelty suggested entirely by my hon. Friend the Member for Bimingham, that the right hon. Gentleman had taken his inspiration from him alone, and that the matter had never been heard of twelve months ago. Why, it is one of the oldest questions we have had before us. I turn to the *Financial Reform* volume by Sir Henry Parnell, dated 1831, and I find that on this subject he says—

> "Contrary to every sound principle of trade the manufacturers of paper, glass, and printed calicoes have been selected as subjects of taxation. . . . . The duty on paper has an injurious effect on many other trades besides that of the papermaker. The limited consumption which it occasions injures the makers of machinery, type-founders, inkmakers, printers, engravers, booksellers, bookbinders, stationers, paperstainers, and several other trades. But the greatest evil of all is the high price of books which it gives rise to. By this a great obstacle is thrown in the way of the progress of knowledge, of useful and necessary arts, and of sober and industrious habits. By the use of books the productions of the human mind are carried over the whole world, and they may be truly called the raw materials of every kind of science and art, and of all social improvement."

I do not know that anything has been said on the subject of paper which could much enlarge on the language of that Report, written by Sir Henry Parnell thirty years ago. That was in 1831, when my hon. Friend the Member for Birmingham had not yet reached man's estate. Recollect that during those thirty years every other Excise tax, not including alcoholic and fermented liquors and hops, has been abolished. [An hon. MEMBER: Malt?] I ally malt with alcoholic and fermented liquors. You have abolished the duty on soap, on printed cottons, on glass, on leather, and every other article, and now, when paper comes the very last, which Sir Henry Parnell put the first, you ask, "Who wants the repeal of the paper duty?" For ten years to my knowledge there has been a society in existence for effecting the repeal of the paper duty. I, who highly approve that mode of carrying reforms in this country which enables us, by resorting to public opinion, to publications, and to public meetings to carry reforms, instead of descending into the streets to fight for them, have long been a member of that association. I have been a member of this association from the first—I believe it was formed in 1849—and yet it is said, who has asked for a repeal of the paper duty?

Then we are told that the repeal of the paper duty will do no good, and that it yields a small amount of revenue. The same argument might have been used against the repeal of the duties on glass, bricks, butter, and other things. They were all items much smaller than this. They have been removed one by one—not more than one in a year, and that year forming an epoch in our finance. Yet, from the successive removals of these restrictions on industry has proceeded that state of content and quietness which the hon. Gentlemen opposite are constantly vaunting as proofs of the Conservatism of the age. I am old enough to remember when the streets of London were periodically crowded with multitudinous and violent men calling out for some impracticable measures of reform, nearly allied to revolution. I remember that every three or four years we were liable to have the North of England thrown into a state of confusion bordering upon anarchy, from the possible failure of a harvest or of a market for our industry. But, as we have expanded those markets, as we have removed restrictions, as we have given further development to capital and more employment for labour in all our various manufactures, we have placed ourselves, humanly speaking, in that position in which it is scarcely possible to believe in any great calamity happening to this country from any particular quarter, without finding it compensated by the prosperity and advantages which we enjoy elsewhere. Well, then, is it a hard, is it a difficult thing to govern a people who ask only to be allowed to work? They are contented if you allow them to labour and to earn moderate wages. Do not tell me that the people have not clamoured for these reforms. We are here because we are assumed to know better than they. That is our only title to be here. And with this long experience can any one doubt that the true policy is to proceed in the path which has been marked by such a career of advantage and prosperity? It is attempted to frighten us by saying that there are some impending calamities overhanging us from the Western hemisphere. There is a danger—the only danger which can menace this country, for I can conceive no other danger of a great calamity or catastrophe but that which may arise from a short supply of the raw material of our industry. From everything else we guard ourselves by the number of our markets and the variety of our resources. A catastrophe may come from such a source. I hope it will not be so bad as some hon. Gentlemen surmise. But, admitting the worst—admitting that danger—what can we do better under the circumstances than follow the path pointed out by experience, and by removing the shackles from industry give a better chance of finding employment for the people? We have been told that instead of taking the duty from paper we ought to take it from tea or sugar. I have no objection to either or to both. I can even hope that with the average prosperity which we have seen for the last few years we may in another year greatly diminish the duty on tea and on sugar. But I am not sure that the argument made use of with considerable stress by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) with regard to a market for our manufactures in China is well founded. We were greatly disappointed with what was called the opening up the trade with China in 1840. I think that within four years we had a Committee of this House sitting to inquire into the subject, and here, in passing, I may say that I have no faith whatever in what is called opening up China to Englishmen. From what I hear of China, the Chinese merchants are quite as clever as our own. They have superseded the English merchants at Singapore; they have the whole trade with San Francisco, and I believe that if trade is opened with the interior of China it will be by Chinese and not by Englishmen. But, at all events, I shall be very happy to see a reduction of the tea duty, though it may not be with the same certainty of an expansion of trade which may be procured by the repeal of the tax on paper. Have hon. Gentlemen considered what is to be the end of the present struggle. I fancy I see hon. Gentlemen opposite arraying themselves very much in the same way they did some sixteen or eighteen years ago, opposed very much to the same people and the same influences, and likely to be landed in a very similar disaster. What are you aiming at? You are aiming at preventing the Chancellor of the Exchequer from continuing in a course which he has not the merit of originating. I cannot give him the credit for the least originality. Nor can he be accused of precipitation. He is only going in the path which every Government must follow, whether it be called Whig or Tory. Is it for the advantage of hon. Gentlemen opposite that they should place themselves in this position? If you succeed by a majority in overturning the Government and coming in yourselves you must instantly adopt the very policy which you are opposing in opposition. There is no alternative. The principle rooted in the public mind of England is to remove those barriers which impede the progress of commerce and manufacture, so as to give the chance of employment for a growing and an increasing population. You yourselves have the greatest interest in promoting that policy, and in nothing more than the repeal of the paper duty, by which you offer the advantage of employment to a class superior to those affected by any other article subject to the Excise duty, for bear in mind that there is no article which gives employment to the same educated class of men as paper. If I were a young man, just fresh from college, with nothing in the world but a good education, there is nothing I should look for with so much interest as making perfectly free the press of this country, by removing all the taxes which tend to render dear and scarce literary productions. What should I want? I should want employment for my pen. Is it not an advantage to rising educated young men that more editors, more contributors, more shorthand writers should be required? ["Oh, oh!"] Do not treat this as a light matter. I am not going to offer a menace to hon. Gentlemen opposite. I am the last man who would hope to influence them through their fears. But do not shut your eyes to the fact, and let it be an element in the calculation of success in the course you are pursuing—do not shut your eyes to the fact, that all the cheap and rising and growing literature of the country is in favour of the removal of this duty. You have nearly 300,000 daily papers at a penny issuing from the press, and almost every one of them is advocating the removal of these duties. Fortunately, their interest is the public interest, and, therefore, I am very happy to find them advocating the removal of this duty. You have 70,000 or 80,000 dear papers issuing daily, and generally they are silent, or they are trying surreptitiously or openly to prevent the repeal of this duty. But can you doubt, if it comes to a struggle, to a dissolution, to a change of Government, that these 300,000 papers, with a multitude almost innumerable of weekly papers at a penny, will every one be opposed to those who are opposed to the emancipation of the press? I am sorry to say it is not a question which can be argued at length upon its merits as a fiscal question. The minds of hon. Members are straying to other subjects. This is made a political question. I cannot go into the lobbies and I cannot stand here without seeing that it is made a political question. I ask, then, hon. Members opposite, to take that view of it, and I say that the course they are pursuing cannot possibly lead to a successful issue. I have been so little in this House of late that I do not pretend to enter upon the question of the rival strength of parties. I may say, honestly, I like to see an Opposition which has some principles belonging to it, which may make it eligible for the country to resort to it, if it has occasion to seek better measures by a change of Government. At whose instigation this course is being pursued I know not. It cannot be that the wise heads of that party are the instigators of it. But I tell them candidly they cannot give the country the benefit of their services even if they succeed in overthrowing the Government. I can see no benefit to them, but a long and protracted controversy without any issue—controversy such as that we are wasting the hours upon at this time of night. I say I cannot see that the course the Opposition is pursuing can possibly advantage them or injure the Government, and therefore I entreat hon. Gentlemen opposite to let this question pass. Let us have this Budget settled. Let hon. Gentlemen then consider how they can adopt a course of policy which can give them the opportunity of holding out to the country the prospect of better measures than those which the present Administration can give, and then with their great numbers, if they do come into power, they may come in without the certainty of being obliged to falsify their own principles or to be turned out of office. I am not going to trouble the Committee at any greater length. I am not sufficiently conversant with your recent debates to do so. But I thought it my duty to state my views in this plain manner, and I sincerely hope hon. Gentlemen opposite will allow this Budget to pass, and allow us to proceed with other business of a practical character.

MR. T. BARING: Sir, I am sure I am only expressing the opinion of the Committee when I express my own gratification at the return of the hon. Gentleman who has just sat down to his place among us, for we always welcome ability, however much we may differ as to the subjects on which it is applied. At the same time I cannot help thinking that the hon. Gentleman gave strong evidence of the length of his absence from this country when he described the opposition to the repeal of the paper duty as consisting of only a few monopolists, and asserted that there was no feeling at all on the subject throughout the country. Let me tell him that the opinion of the country is that, if it be in our power to remove any tax, this is not the moment for the removal of the paper duty. I believe that if he were to poll the country, aye, and this House too, apart from party considerations, he would find the almost universal opinion to be that any diminution of taxation which the Government can afford may be applied with far more benefit to the national interests, with far greater relief to the consumers, and with a far stronger stimulus to industry, than by the repeal of the paper tax. The hon. Gentleman professes to be astonished that a party should take its stand on the opposition to a repeal of taxation. I would agree with him if we were certain that we were able to do without the tax, and that its removal would benefit the people in the greatest degree. But, in the first place, we on this side do not feel quite sure that you can with benefit remove this tax, because we know that, if once removed, it can never be re-imposed. No man is gifted with omniscient sagacity, and if by any misfortune there should be an error in the calculation of the right hon. Gentleman the Chancellor of the Exchequer—if the revenue should fall short or the expenditure exceed his Estimate, we know that you cannot revive the paper tax. We know also full well that there is an elastic tax—the income tax—which will be employed to meet any deficit. Again, we oppose the immediate removal of this tax because there are other duties, to the reduction of which the House at large, and the right hon. Gentleman especially, is pledged—I mean the war taxes on those articles which enter into the consumption of the people. I recollect that the financial reform sketched out by the hon. Member for Birmingham a year and a half ago comprised the reduction of taxation on the consumption of the labouring classes, the reduction of the duties on tea, sugar, and tobacco; but I think he made no mention whatever of paper. The removal of the paper duty will not stimulatei ndustry nearly so much as the reduction of the duties on those articles which we receive from other countries. The hon. Gentleman (Mr. Cobden) made an observation in regard to the prohibitive duty on the export of rags from France which ought not to pass unnoticed. I quite agree with him that the French Government acted with the greatest good faith, and we have now his own admission that it was with his assent and approbation, and almost on his suggestion, that they refused to make any change in regard to that duty. I have always thought that our Government might have made better terms in that respect, but this is the first time that we have heard, on official authority, that the French Government acted in this matter with the assent of our representative who was charged with the whole of the negotiations. The hon. Gentleman maintains the principle that we ought to receive a commodity from the country which can produce it most cheaply. That is true; but we must remember that on the occasion in question we went on the principle of a treaty, and were bound accordingly to get as much advantage for ourselves as we could in return for our concessions. The hon. Gentleman says he will not appeal to our fears, but he reminds the Committee that there is a branch of the press which is continually extending throughout the country, and which will resent the continuance of the duty, and urges us to conciliate them by removing it. That is just the argument which we have been using against the repeal. We object to it, because it will benefit a class, and not the community at large. I cannot agree with the hon. Gentleman that the House ought to accept the Estimates of revenue and surplus from the Chancellor of the Exchequer without examination or discussion. I hold that it is the duty of the House to scrutinize them carefully, and subject them to every test which doubt or criticism can suggest. I hope, with the hon. Gentleman, that the Chancellor of the Exchequer is sure of his surplus. I am no prophet to tell what will be the revenue of the next year. The right hon. Gentleman, however, may have underestimated some of the items of revenue—probably he has under-estimated some of the items of expenditure as well. There are two items which have sprung up since the declaration of the right hon. Gentleman. There is the increased interest on Exchequer Bills, which has already led to an addition of about £50,000 on the year.

THE CHANCELLOR OF THE EXCHEQUER: It is only for six months.

MR. T. BARING: It may be so in the meantime; but the right hon. Gentleman must be gifted with second-sight to tell what will be the state of the money-market at the end of that period. Then there is another item of expenditure in the payment on account of the Stade Dues, which public report fixes at about £200,000. Adding that to the £25,000 for six months' interest on the Exchequer Bills and it would make a deduction of £225,000 out of the surplus of £430,000. Similar items of expenditure are always liable to spring up, and if we abolish this duty we shall be able to meet them only by falling back on direct taxation. The noble Lord the Member for the City said that he could not understand how we should object to the calculations of the Chancellor of the Exchequer without proposing a vote of censure upon them. When I objected to the Budget without moving an Amendment, I did so because I wished the House to reflect upon the course it was called on to pursue. I believed that the proposals were unpopular, and that representations would be made to the Government which would lead them to reconsider, and perhaps to modify, their scheme. As I anticipated, there is throughout the country a feeling that it would not be wise to repeal this tax at the present time. I, for one, am anxious that a sufficient surplus should be maintained to meet every possible exigency. I do not hold myself at all bound to the proposal of my right hon. Friend the Member for Bucks, to make a further reduction of taxation, if this measure be rejected. Any further reduction of taxation must be regulated by existing circumstances, and from day to day there seems to me to be greater uncertainty as to the future, and greater change in those circumstances which ought to guide this House in its financial measures. It is, consequently, more and more incumbent upon the Government, on its own responsibility, to maintain such a surplus revenue as may guard us from any future difficulty, and to preserve at once the faith of the country and its influence in the world, at a moment when the influence of England is becoming more and more important.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the Committee has just heard delivered the opinions of two hon. Gentlemen among the most distinguished and able of its Members, and men whose high characters are not less remarkable than their abilities. One of them is the hon. Member for Huntingdon (Mr. T. Baring), the other is my hon. Friend the Member for Rochdale (Mr. Cobden). The latter recommends the repeal of the paper duties as a measure which is wise, politic, and acceptable to the country; the former recommends the rejection of that measure as being neither wise, nor politic, nor acceptable to the people. Under these circumstances it is natural to examine into the comparative authority of these two hon. Gentlemen, and to seek for the sources of that authority by a recurrence to the advice which respectively they have given on previous occasions. In the hon. Member for Rochdale we see the man who, more than any other, living or dead, contributed to the destruction of the Corn Laws; the man who eloquently advocated the repeal of the Navigation Laws; and the man who, on every point, in a struggle of twenty years has taken the most active and powerful part in recommending that legislation which has not only augmented the wealth of the country, but done more for its Conservative principles than all the measures promoted by hon. Gentlemen opposite. On the other hand, the hon. Member for Huntingdon opposed the repeal of the Corn Laws as a national calamity, bewailed the repeal of the Navigation Laws as probably involving the ruin of the country, and upon every—or nearly every—occasion when it has been proposed to amend our commercial laws, and to relax the existing restrictions of our system, has been found among the stoutest and most ardent defenders of those restrictions. I say, then, that upon this occasion also the man who has always heretofore interpreted rightly both the wishes and the interests of his country is more likely to give sound advice than the man who throughout the whole of his past life has misunderstood both the one and the other. The Committee, I know, must be wearied with hearing the discussion of the paper duties, and it is with an unfeigned reluctance that I present myself to them on the present occasion. I trust, however, that I may be allowed to occupy some small portion of their time, because, whatever may be said as to others—whatever senses or constructions may for others be put upon this discussion—at all events there is one man in the House for whom it can bear but one construction, and that is the person who now respectfully entreats your attention. The hon. Baronet the Member for Radnorshire (Sir John Walsh) made some remarks which will lead me to the point on which I wish to address the Committee, for I want to attain, if I can, to a true conception of the position of both parties upon this subject. My hon. Friend declared—and he declared with perfect sincerity—that the Opposition had no greater desire than to give their support to Her Majesty's Government. He stated that nothing but an absolute necessity has brought them on this occasion upon the field of battle, and that it was the excessive and wilful unreasonableness of the Government in making so strange a proposal as the repeal of the paper duties which really left to hon. Gentlemen opposite, however pacific might be their inclinations, no choice whatever, but compelled them to step in for the purpose of restraining us in our rash and furious career. Here, according to him, is the secret and explanation of the present party conflict. Is that really a fair and a just statement? We have heard a variety of opinions expressed in the speeches of hon. Gentlemen opposite, who, nevertheless, concur in their votes. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) frankly admits that an Excise duty is a bad duty, and that he retains the opinion on that subject which he has expressed on previous occasions; but the tendency of the minds of many hon. Gentlemen opposite is explained much more accurately by the noble Lord the Member for Stamford (Lord Robert Cecil) who, in a very ingenious and candid speech, went back to the legislation of 1842 and 1844, ridiculed the argument of Sir Robert Peel upon the glass duty, and contended that the present progress of the country neither was nor could have been owing to free trade legislation, but was due to a set of causes entirely different. I have no argument to address to the noble Lord. Upon his standing ground it appears to me that he is entirely unapproachable by us; but I speak in a Parliament where the opinion opposed to his is no longer regarded as matter of opinion, but as an established fact, resting on the solid proof of a happy experience, and where we are entitled not to argue for, but to argue from, the proposition that the relaxation of commercial restrictions and the liberation of trade are the true and wise policy for this country to pursue. Is there anything so strange, then, in the production by the Government of the proposal to repeal the Paper Duties? In the first place, it is strictly true, with exceptions so insignificant that I need not refer to them, that except as to the constituents of strong liquors, which by the necessary principles of your fiscal system are and must continue to be heavily burdened, the trade in paper is the one single trade within the limits of this country which at the present moment is in all its branches burdened, and in many of its branches actually proscribed. Every other restriction is gone. Every other Excise, one after another, has been sacrificed. Was that because there was a call for it from the people? No such thing. [Mr. NEWDEGATE: Hear, hear!] I hear a voice well known to me—*Sæpe sinistra cavâ prædixit ab ilice cornix.* The hon. Member cheers a truth, when he cheers the assertion that Excise duties have never been removed in obedience to calls from the people. I have had the curiosity to look back to the case of the glass duties. I believe the whole number of petitions for the repeal of the glass duties in three years, including 1845, the year of the repeal, was one. For the repeal of the brick duties there may have been six or eight petitions. For the repeal of the soap duties there was not a single petition before the proposal was made by the Government, and even then the number was very insignificant. The paper duty is the only Excise duty for the repeal of which there has been a constant demand from the country, and that demand has been supported by many Members of Parliament. Hon. Members of Parliament not belonging exclusively to this side of the House have thought fit to join an association for promoting the repeal of the paper duties. The noble Lord the Member for King's Lynn (Lord Stanley), for whose vote the country will look with interest to-night, and the right hon. Baronet the Member for Herts (Sir Bulwer Lytton), whose vote upon a former occasion was given in the manner that we expected from what we knew of him, are members of an association for the repeal of the paper duties. The right hon. Gentleman the Member for Bucks is not himself, as far as I know, a member of any such association. He has probably acted upon the principle to which I have always adhered, and, without censuring others, has declined to be a member of any association outside the doors of this House for Parliamentary purposes. But the object has received the most distinct, conspicuous, and emphatic support from the right hon. Gentleman. The right hon. Gentleman voted for the repeal of the paper duties in 1850, when the duty on tea was at 2*s.* 2*d.* per lb. What did the right hon. Gentleman do in 1858? I am afraid I cannot approach this part of the subject without coming to a point on which I differ from my right hon. Friend the President of the Board of Trade, because in my opinion all abstract Resolutions on the subject of the extinction of taxes are imprudent and unwise. My right hon. Friend thought differently, and he moved a resolution condemning the paper duty, selecting it from all other duties, and making no reservation in favour of tea. By his Resolution he pledged the House to the proposition that the paper duty should not be permanently maintained, and that distinction was conferred upon the paper duty alone. There was one Gentleman more responsible for that Resolution than my right hon. Friend. My right hon. Friend moved it as a private Member of Parliament; the right hon. Gentleman accepted it as the organ of a Government. I confess that, as it appears to me, he did an imprudent act in acceding to that Resolution; but I confess, also, that it seems to me that having acceded to it he would have done better to avoid the temptation which has since been put in his path to endeavour to explain it away. ["Oh, oh!"] Why, Sir, the right hon. Gentleman has since told us that that was a hesitating Resolution, passed in a languid House; and it was, according to him, a Resolution that meant that, at some future time or other—probably in the days of our children or grandchildren, but at all events, when the war duties upon tea and sugar, as they are called—and I will say, a word upon that subject by and by—had been disposed of, and the income tax was extinguished, then forsooth, we might proceed to repeal the paper duty. But does the right hon. Gentleman think that he, as the organ of the Government, was right in advising the House to give that pledge in the face of the country, and does he think that he is using weapons which are either safe or honourable when the House of Commons is encouraged, in order to avoid some momentary difficulty or to obtain some momentary favour, to hold out promises of that kind which are to be explained—I repeat the term—which are to be explained away in order to meet the prudential considerations which the exigencies of party may subsequently suggest?

The right hon. Gentleman has to-night set up a doctrine which as far as I know is enterely new. These are the main proportions of the statements he has made. In the first place I must say that, differing in this respect very much from some hon. Gentlemen who have spoken from that side of the House, he has stated the issue with perfect fairness. He made a comparison between an Excise and a Customs duty, and he said, "I admit at once that we are not to look to the mere question to what extent a reduction is to be effected in the price of some article of subsistence, but we are to look to the effect of our measures upon the general trade, industry, and employment of the country." With respect to that I will only say that I entirely agree with the right hon. Gentleman as to the principle, but I believe it to be impossible for any candid man, after any examination, however cursory, of the facts of this case, to maintain that the removal of some 3*d.*, which is the utmost that could be taken off the duty upon tea, would have anything like the effect upon the industry of the country, that we must in common prudence anticipate from the abolition of the duty on paper. What is the effect of a Customs duty? The effect of a Customs duty is by burdening the article to which it applies to limit the consumption. The effect of an Excise duty so far considered is the same, but over and above that effect an Excise has a serious influence through the medium of its restrictive regulations and the indirect cost which it entails, which amounts not merely to a burden but, in many instances, to an absolute prohibition. What was it that, in the year 1830, caused Sir Henry Parnell to designate this paper duty first among those that called for repeal? That was not the suggestion of the hon. Member for Birmingham, and every authority from that time to this has concurred in that judgment. The facts of the case as they concern the effect of the paper duty are these. You are not simply to consider what is the incidence of the duty upon the paper that is made in this country, so far I grant that there is a certain parallelism between that duty and the tea duty—what you must consider is, what are the trades or branches of trade which are positively prevented or extinguished by the operation of the paper duty. Were this the time for details it would not be difficult to state many such trades to the House. On a former occasion my noble Friend mentioned one instance and I mentioned another—and they might be greatly multiplied—of a trade in paper, that is to say in sheets made of fibrous materials, that is actually rendered impossible, or all but impossible, in many cases quite impossible, by the operation of the paper duty. The right hon. Gentleman, feeling the pressure of the argument, resorted to a doctrine which I believe to be entirely novel, which I grant to be ingenious, and which I admit would have been entitled to influence our decision if it had been true, by true, of course I mean accurate. He said that the tea and sugar duties are war duties, and that Parliament is under a pledge to remove them. "Let us, therefore," continued the right hon. Gentleman, "let us above and before all things keep faith with the nation." Now, Sir, I am glad to get the issue between us in some degree narrowed. If the first part of this statement can be proved, I do not contest the latter portion of it. I say "by all means let us keep faith with the nation." But is it true that these are war duties? In what sense are they war duties? Were they imposed in time of war? No. Were they imposed for the purposes of war? No. When were they imposed? They were imposed in time of peace and not for purposes of war. [*Murmurs of disapproval on the Opposition benches.*] I do not in the least complain of those murmurs. My desire is to convey information, because I am sure that hon. Gentlemen, although they seem to muster as if for a party struggle, are really actuated much more by a love of truth and a desire to understand the facts of the case of a great many of which I do not think that they can possibly be aware. I want to know what is the meaning of a war duty. I do not now ask whether this expression has prevailed as a cant phrase, or has been adopted as a convenient one. I do not know who is the author of it. I cannot tell whether or not it has ever passed my lips. I am not finding fault with the phrase, because I can understand that if you treat it as a popular designation it is so far true that the duties with which tea and sugar are now burdened are higher than those which were proposed before the Russian war. But that does not make them war duties. Is the present income tax a war income tax? The present income tax was imposed in 1859. Is there, then, any pledge connected with the Russian war to reduce the income tax? I do not speak of any time that is gone by. I speak of the tax upon incomes imposed in 1859, and I say that you may, if you choose, popularly call that a war income tax, because it is higher than the income tax as it was originally proposed, when we had an expenditure of £52,000,000 or £53,000,000 to provide for; but I say that it would be ludicrous to call it a war income tax in the sense of founding upon that term an engagement—because that was what was done by the right hon. Gentleman—an engagement to reduce that tax as if it had been an income tax laid for the purposes of war. If there is no such engagement, the whole argument of the right hon. Gentleman falls to the ground. What I say of the tea and sugar duties is this. In the first place, however, I must complain of the unfairness which is practised upon this subject. Again and again we are told how wrong it is—and an endeavour is made to delude the public upon this subject; again and again the people have been told that it is absurd to repeal the paper duty instead of repealing the war, tea, and sugar duties. ["Hear, hear."] The noble Lord the Member for Staffordshire (Lord Robert Cecil) considers that a fair statement of the case, does he? Now that is exactly the point to which I want to bring the Committee. The noble Lord says that, instead of repealing the paper duty, we ought to repeal the war, tea and sugar duties, the repeal of the paper duty entailing a loss this year of £600,000, and ultimately of £1,250,000, while the abolition of the war duties upon tea and sugar would cause a loss of £2,500,000. [Sir JOHN PAKINGTON: No, no.] The right hon. Baronet the Member for Droitwich denies that statement. I beg leave to say that, speaking in round numbers, I have stated accurately what would have been the cost for the year of repealing what are called the war duties upon tea and sugar, and I do not think that it can be denied that it is grossly unfair to represent the repeal of the paper duty to the public as if it prevented the repeal of another duty which would cost more than twice the money. [Sir John Pakington was understood to say that no proposal had been made for the sacrifice of so large an amount of revenue.] I am stating that this is the way in which the subject has been repeatedly handled in speeches, and the way in which it is constantly represented to the public. I have in my hand the last and most authentic instance of this unfairness. You say that the people are entirely in favour of your policy and you challenge a reference to the people. We have had an election within the last few days —[*interruption*]—we have had an election within the last few days, and the issue raised by that election was a very definite one, because a most respectable, most competent, and well-qualified gentleman made his appeal to the constituents, whose suffrages he solicited entirely upon the ground of opposition to the financial measures of the Government. Here is his address, and in it a mode of statement is adopted which I have no doubt was suggested from head-quarters. In the most authentic manner, as if he had undergone a regular training through a course of these debates, he runs through the old points of the surplus, the state of the national finances, and the comfort of the labouring classes, and he then says—

> "The permanent sacrifice of £1,500,000 of paper duty seems to be imprudent at present, and the consequent maintenance of the war duties upon tea and sugar—those necessary articles of consumption in every home—appears unjust."

[*Murmurs from the Opposition benches.*] I merely state, and I confess that I did not expect that there would have been so much disposition to question that statement, that it is an unfair mode of putting the case to place against the repeal of the paper duty, and to declare to be the alternative of that repeal, a measure which would cost at least twice as much. Now the case of the tea and sugar duties to which I return is this :—They cannot, properly speaking, be called war duties, inasmuch as they were not imposed in time of war or for war purposes. In the year 1854 the sugar duties were increased for the purposes of war, and in 1855 the tea duties were increased with the same object, and I am quite willing to admit that the right hon. Gentleman says truly when he contends that there is a sort of general pledge given to the public that war taxes should be taken off when the cause for which they have been levied has ceased to exist, and, in point of fact, the increased duties which I have just mentioned lapsed with the conclusion of the war itself. I was, I may add, one of those who differed with the Government of my noble Friend near me when they first proposed to prolong these duties for twelvemonths ; but that was not the time when the question was settled. It was in the month of August, 1857, that my right hon. Friend the Secretary for the Home Department proposed to re-enact the tea-duties at 1*s.* 5*d.* for three years, without the slightest reference to the purposes of war, and, I believe, without one syllable being said by him as to the lapse of the duty or its removal at the expiration of that period. I myself, who have been so much misquoted on this question, recognizing the proposition of my right hon. Friend as being rendered necessary by the increased scale of our peace expenditure and by the special demands of that particular time, thanked him for the provision which he had made. I refer to these matters to show that the proposal of my right hon. Friend had no bearing whatever on war duties in any sense of the word, and that, in point of fact, the doctrine of engagement laid down by the right hon. Gentleman opposite on the subject as being applicable to the tea and sugar duties is a pure and perfect figment, not having a shadow of support. In short, I feel I am perfectly right in asserting—and my right hon. Friend near me can correct me if I am wrong—that these duties, when enacted in 1857, were imposed without any expectation being held out as to the course Parliament would take at the expiration of three years, for which they were granted. Well, that being so, it became my duty to lay before the House the case as it had come under the consideration of the Government as to the respective claims of two very important taxes to remission, the one being the extra, or I may as well term it the war duty on tea, the other the duty on paper. Now, hon. Members will do me the justice to recollect that in discharging that duty I did not for one moment presume to state that there existed such a difference between the merits of these separate propositions as to render it impossible for us to accept that one of them which might be regarded with the greatest favour by the House. There were, however, reasons which many persons felt to be very strong for the selection which we made. We had at the time on hand a Treaty of Commerce with France, as well as very extensive measure for the abolition from our statute book of the remains of protective duties. Could there be a more appropriate and just accompaniment to our proposals for exposing the British manufacture to unlimited competition with the foreigner than a simultaneous measure for relieving him from the duty on paper, which constituted a tax on the export of his manufacture ? It is, indeed, said by some that this is an insignificant burden, but I much doubt whether that is a correct view to take of the matter, when I bear in mind that we had a duty levied under the name of an export duty to the extent of £100,000 per annum, that Sir Robert Peel deemed it desirable to remove it, and that its abolition was accepted with gratitude by the trading community. It is more difficult to estimate the effect of the paper duty on the exports of this country, but I am not, I think, far from the mark when I say that the paper used in connection with our export trade must pay a duty of not less than £300,000 or £400,000 a year. Now, I put it to the hon. Gentleman who intend to deal with the case on the principles of justice—I put it to the hon. Member for Radnorshire, who seems to imagine that we are actuated in this matter by no better motive than to gain the favour of a Gentleman who at the same time can give no favour in return, inasmuch as the hon. Member says he is the most unpopular man of a most unpopular section. I put, I repeat, to those who are desirous of proceeding in this case on the principles of justice, whether we are not acting entirely in accordance with those principles when we say to the British producer, "We are about to leave you without a single sixpence or shred of protection at home, but we will relieve you from a tax which presses on one of the essential accessories of your trade?" For my own part, I confess I was surprised when I heard the hon. Member for Warwickshire (Mr. Newdegate) treat with ridicule—for it amounted to that, and I may observe in passing that it was the first time I ever heard him indulge in a vein of ridicule in this House—the idea that the paper duty could be a tax of the smallest importance to the distressed manufacturers and people of Coventry. Why, Sir, we have been told, as the results of inquiry made on the spot, that a sum of £10,000 a year is paid by persons in Coventry for one particular purpose—and that £10,000 being in the nature of deductions from profits would probably represent a capital of several hundred thousands of pounds, and I cannot believe that Parliament will refuse to entertain the claims urged on behalf of those gentlemen whom we require to meet the French manufacturer, without the slightest advantages in the British market, and to whom hon. Gentlemen opposite wish us to say, "You must continue subject to a tax on the accessories of your trade, from which your competitors are entirely free." What, I would ask, can be more inconsistent or absurd to enter into a discussion about rags, and to undertake to relieve our own manufacturers from the inequalities of foreign legislation, while we require them to go into the market unequally weighted, not in consequence of foreign but owing to burdens imposed at home? These are considerations which I must say have had great force with both myself and my colleagues in bringing us to the determination on the subject of the paper duties at which we have arrived. When, however, matters reached a certain degree of maturity, we had other vital and essential elements in the question to take into our view.

The House of Commons read last year a second time, by a considerable majority, a Bill for the repeal of the paper duty. For a period of forty years a vote of that kind on the part of this House had been accepted by the trade and commerce of the country as an absolute and final decision. In all such cases persons interested in trade and industry of the nation have felt themselves justified in accepting the assurance which such a vote afforded, and upon the faith of it invested their capital and pledged their credit. This was done last year, in consequence of the conclusion at which the House of Commons arrived, and I now send back to the right hon. Gentleman opposite the challenge which he threw out, and I say to him, "Keep faith with the country; keep faith with those who have trusted to the vote of last Session, as they have done to a long list of similar assurances which in a hundred cases we have given them. I will not trouble the Committee by going into details upon this point; but I would illustrate by referring to facts the statement which I make, that a long course of precedents has given the public a title to rely upon votes similar to that of last year given by this House. I hold in my hand a letter written by Mr. Grey, a gentleman who is well known to my hon. Friend the Member for Edinburgh (Mr. Black), who is one of the most enterprising men in this country. I do not know that he possesses large means; but about thirty years ago, when such enterprise was much rarer than at present, he conceived the ingenious idea of establishing a paper as a gratuitous advertising medium. The undertaking was successful, and conferred, I believe, a great benefit on the country. Well, this gentleman writes to me to say that, trusting to the Vote of the House of Commons last year, he had at once committed himself to his subscribers, and that the consequence had been that there was a considerable diminution of his profits; but they were still sufficient to keep the roof over his head which, after thirty-four years of indefatigable industry, he was enabled to call his own, but such could not continue to be the case unless the paper duty were repealed during the present Session. He adds that he, perhaps incautiously, trusted to the pledge given to the public by the Vote of this House of last year; that he, nevertheless, kept his word with his subscribers, and that the consequence had been to entail upon him a fearful loss. Now, I put it boldly to the Committee whether this gentleman was not justified in relying on a decision of the House of Commons, which for forty years in similar instances has been regarded as a pledge not to be departed from? I say, then, those hon. Members must have formed very singular notions with regard both to our duty and our honour who could suppose that in the course which we have taken we had no better motive than to curry favour with any Gentleman or set of Gentlemen in this House.

I do not think it necessary to enter into the general merits of the paper duty after the arguments which have been used, and particularly after the speech of an hon. Gentleman with whom I do not often agree, the Member for the Tower Hamlets (Mr. Ayrton) whose close and able reasoning there has not been a single attempt on the other side to answer. But I cannot pass from the subject altogether without adverting to one or two things which have been said in debate. What said the hon. Baronet the Member for the West Riding (Sir John Ramsden)? He accused the Government of having pursued an unexampled course with regard to the surplus set up, and he actually undertook to instruct and inform the House, and feeling that he himself perhaps was chargeable with a course somewhat unusual, he anticipated the charge by saying that the Government had pursued a course never before heard of. He contended that in all cases where a surplus had before been presented it had been actual—a surplus in hand. I really do not know how I am to deal with a statement like that. The thing the hon. Baronet says not only has not been, but never can be. It so happens that when there is a surplus in the hands of the Chancellor of the Exchequer it is applied to fixed purposes under ascertained provisions of law, and never can be made the subject of dealings by this House. [Sir John Ramsden: Hear, hear!] The hon. Baronet cheers my explanation, though his original statement was that any surplus hitherto presented by a Chancellor of the Exchequer had always been realized. In touching on the question of surplus I must not forget that the hon. Baronet does not stand alone. The hon. Member for Norfolk (Mr. Bentinck), the hon. Member for Huntingdon (Mr. T. Baring), and the right hon. Member for Limerick (Mr. Monsell), have all questioned the existence of that surplus exceedingly, yet each and all of these Gentlemen voted to take from it, according to the best official Estimate that can be framed, £285,000 more than would be absorbed by the proposal of the Government. And then the hon. Member for Huntingdon comes down here and challenges me about Exchequer bills and Stade dues, and says I shall lose £220,000 by Stade dues and £50,000 by Exchequer bills. That would make in all £270,000, but I should still be £15,000 better off than their proposal, if carried, would leave me. The hon. Member found fault with my calculations; but it was he, and not I, who ventured to predict what the state of the money market would be six months hence. He it was who said, in his desire to make good the case which he was urging with great ability, that he had calculated the Exchequer bills for twelve months, forgetting the provision of law which ——

Mr. T. BARING: I asked what the amount was.

The CHANCELLOR of the EXCHEQUER: You computed it at £220,000, and you ——

Mr. T. BARING: I wish to explain. I said that as it was stated by the right hon. Gentleman that the increase on the interest of Exchequer bills would not be for more than six months, I took that item at £25,000, and the payments on account of Stade dues I said were fixed by public opinion at £200,000.

The CHANCELLOR of the EXCHEQUER: I am very much obliged by the explanation. I thought the hon. Member said the State dues would be £220,000; and, in point of fact, neither he nor we had any accurate means of computation, not knowing whether the arrangement would be completed or not. My hon. Friend, I believe, is now of opinion that the arrangement will probably be carried out. It will require a sum of £155,000 or £156,000, and that, of course, was one of the reasons why we objected to the repeal of the tea duty, feeling it necesssry to keep in hand a sum of £400,000 or £500,000. Of course, in a country like this you cannot possibly foresee every accruing charge for the twelve months, and you keep a small surplus, not exactly in hand, but before you on paper, so as to meet contingent charges which may arise. The hon. Gentleman is still in a very uneasy state about the surplus, and thinks it very doubtful whether there will be any after all. I must say I do trust that the subject of a surplus as it has been handled in these debates will not be a precedent for future times. To-day it is denied, to-morrow it is asserted, the next day it is exaggerated, and the following day it is denied again. One time we are told the surplus will not admit of a remission of £15,000 ; next it is endeavoured to force upon us the remission of £1,500,000; and then the hon. Baronet, the Member for the West Riding (Sir John Ramsden), rises in its place and thinks it becoming his station and position to say that he thinks the estimate of that surplus [*Cries of* "Oh, oh!"] On this subject, and in the discharge of a public duty, I must vindicate the privilege of speech. I think it right to call to the recollection of the House that the hon. Member for the West Riding did think it right to state [*Renewed cries of* "Oh!"] that the estimate of surplus which I have submitted was no better than the reckoning of any speculator. If that be a misrepresentation, I am ready to listen to any explanation.

Sir JOHN RAMSDEN: I believe, Mr. Massey, the words were these: That the estimate of surplus was liable to prove as fallacious as the scheme of any speculator on the Stock Exchange.

The CHANCELLOR of the EXCHEQUER: That appears to be precisely the sense imputed to the hon. Baronet, and which I was in hopes he might have been induced to qualify. However, having been deceived in that expectation, let me deal with another assumption of the hon. Baronet no less astounding. He said it was unexampled after a deficiency in a particular year to propose the repeal of a tax in the next. I need not go very far back to produce a remarkable instance, in which, I suppose, the conduct of the Government of the day will not be much disapproved by the hon. Baronet, as he took office with them shortly afterwards. In 1857 my right hon. Friend the Home Secretary, having had a deficiency of £4,000,000 in the previous year, repealed taxes to the extent of £10,700,000, and immediately after this was done the Government which had been guilty of such astonishing profligacy was joined by the hon. Baronet. My hon. Friend, the Member for Dorsetshire (Mr. Ker Seymer), who made this Motion, has thought fit to repeat imputations on me which I have never noticed in this House. As long as the most sordid motives or the most questionable proceedings are imputed only by anonymous writers of the press, or at any rate by those from whom one has no right to expect favour or indulgence, I think by far the best course for a Member of this House to take is to pass them by in utter silence, and to trust to the candour of his countrymen, which, I believe, will never fail him ; and, I must add, to their appreciation of his character and his services, be those what they may. But my hon. Friend, whom I have had the pleasure of knowing from boyhood, and my respect and regard for whom no political circumstances can ever in the slighest degree affect, has imputed to me that the proposals which I have made in this House are brought forward for some mysterious purpose of conciliating the hon. Gentleman, the Member for Birmingham. Now, Sir, in the first place with regard to any supposed sympathies of mine with the hon. Member for Birmingham, I must say that if I did sympathize with him I should not have the slightest hesitation in avowing it, because I know of nothing in the character or in the conduct of the hon. Gentleman which need make any man who agrees with him afraid to state it. His character has, in my opinion, always been marked with strict integrity, and his conduct has been uniformly straightforward. But, when a statement of that kind is made against a person like myself, who am not at all aware of holding the same opinions in politics as the hon. Member for Birmingham, I must observe that neither my hon. Friend who made it last, nor any Gentleman who made it before, has ever attempted to support or sustain it by any language I have used, or by any sentiments I have expressed. I certainly do sympathize with the hon. Gentleman, the Member for Birmingham, in regard to the whole course of that commercial legislation which has conferred such immense boons and blessings on the country, and of which he has been one of the most distinguished champions. And I regret to find that that policy still has many opponents in this House, who, though unable to prevent it from taking effect in the main, are apparently glad to find any opportunity of crippling it, or of covering it with discredit. I should not be doing justice to my hon. Friend the Member for Birmingham if I attempted to describe my own opinions with respect to matters of finance by mixing them up with his, of which I have no knowledge other than that which every Member in this House possesses in common with myself. But if my hon. Friend the Member for Dorsetshire wishes to make any imputation on my opinion, such as I can explain, I am willing to give him an explanation. I have no doubt that he has a meaning, which I am obliged to conjecture, as he has been content to make use of vague and shadowy language. He means, perhaps, that I am one of those who entertain the concealed and covert intention of changing the system of taxation of this country—shifting the burden from commodities to property, and effecting thereby a considerable alteration in the relative position of classes. If such be the belief of hon. Gentlemen opposite, I have no doubt that the proposal we now make for the repeal of the paper duty is regarded as the insidious beginning of a serious innovation, fraught with danger to the country. It might, perhaps, be enough for me to say that not one syllable had been adduced from any speech of mine to sustain that belief. Whether such be the desire of the hon. Member for Birmingham I know not, but it is not mine. [*Interruption.*] I am sure that hon. Gentlemen opposite will permit me to state in a few words the view I take of the proposal of Her Majesty's Government. We are not now at the beginning, but at the accomplishment and consummation of a great series of legislative changes. We are not introducing novel principles, but working up the residue of great and beneficent operations introduced by great men, whose names will ever live in the grateful memory of the country, and who advanced them up to a certain point and then handed them over to us, simply and in all humility, but, likewise, in all fidelity to complete. I confess that, in my opinion, the days of what are called by their friends comprehensive, and by their enemies ambitious Budgets are gone by. They began in 1842 and 1845 with Sir Robert Peel, who had a great work to do, and who set about in the spirit of a workman equal to his business. The next offender—if offence there be—was the right hon. Member for Buckinghamshire, who, in 1852, quite justifiable in his own point of view, though I did not concur with him, produced an extensive and comprehensive new financial plan. In 1853 I was myself responsible for a plan of the same kind, and again last year, taking the opportunity presented by the Treaty with France, we introduced a measure which, in our view, went to complete the whole of that series of changes which had been initiated, though not entirely, in modern times by Sir Robert Peel. Therefore, it is not the commencement, but the conclusion of our commercial legislation that we are now proposing, and, viewed as the conclusion, I put fearlessly to the House the proposal for the repeal of the paper duty, as being one as well and as firmly founded in all the sound principles of finance and of industrial economy as any proposal that, during the course of the last twenty years, was ever submitted and met the approval of Parliament. I heard with deep regret last night the speech of the hon. Baronet the Member for Tamworth (Sir Robert Peel), though not, indeed, with the same regret as I heard some other remarks made by the hon. Baronet the Member for the West Riding (Sir John Ramsden). I hope that the hon. Member for the West Riding will express his regret, before the conclusion of the debate, for having, with or without premeditation, spoken of the American Government as a great Republican bubble. [*A cry of* "Hear."] I am sorry to hear that phrase cheered by a single Member, and had hoped that was the first and last time we should hear any Member allude in a jeering way to the tremendous calamity which threatens to fall upon a great country; but I do not believe that the hon. Member for the West Riding had any intention to speak in such a spirit. With regard to the hon. Baronet the Member for Tamworth, I cannot express the regret with which I heard it stated by him that this measure is one which appears to aim at some extensive substitution of direct for indirect taxation, and is not a measure of free trade. The recollection of the long years during which I, as well as others, had the privilege to sit by the side of one in whose memory the hon. Baronet is entitled to feel the deepest interest, led me to a different conclusion, and I think it would greatly puzzle the hon. Baronet to draw a distinction in principle between this last Excise duty which we are now proposing to remove and those other Excise duties, not one whit more objectionable in principle or more oppressive in practice, which his honoured father was the instrument of repealing. I certainly had hoped that in the work of removing this description of legislation from the statute book we might have had the advantage of the hon. Baronet's assistance; but, if not, we must still appeal to the convictions and experience of this House, and until I see the contrary I never will believe that this House, after the eleventh hour, will withdraw the last hand from the work it has hitherto carried through with firmness and courage; and, on the present occasion, I anticipate a decision which, while it will be faithful to the spirit of the former acts of the Legislature, will also be provident of the future and permanent interests of the country.

SIR JOHN RAMSDEN: I rise to explain, though it is with the greatest reluctance that I feel obliged to throw myself for a single moment on the indulgence of the Committee. The right hon. Gentleman has commented in somewhat severe terms on the observations I ventured to utter. He said that I stated that previous surpluses had been actually in hand, but he omitted to add some important words, on which the whole meaning depended. I said that formerly the surplus had been either actually in hand, or in some other form equally tangible and secure. I put it to the sense of the Committee what is the plain meaning of those words? I did not speak in childlike ignorance, as the right hon. Gentleman seems to think, of the arrangements by which the surplus in hand is devoted to certain purposes; but I meant to convey this meaning, that it is not justifiable to repeal permanent and safe taxation, except on the faith of a surplus which the experience of the previous year has shown that we can depend on. I went on to say that it was unprecedented for the Chancellor of the Exchequer to close the year with a deficit of more than £2,500,000, and then to propose to remit taxation on the faith of a surplus purely founded on speculative calculations. The right hon. Gentleman takes exception to that, and quotes against me the case of the Budget of the right hon. Gentleman the present Home Secretary in 1857. If I was speaking of any one for whom I had a less unfeigned respect than I have for the Chancellor of the Exchequer I should say that to adduce that example is trifling with the sense of the Committee. For what was that year? It was the year when we were returning to a peace establishment from the great expenditure of the Crimean war. I repeat the challenge I made to the Chancellor of the Exchequer to show in a year of peace a case in which any Finance Minister has closed the year with such a deficiency, and has proposed to remit taxation on the face of a surplus so purely speculative as the present. Grave charges have been brought against me. The right hon. Gentleman has seen fit to renew the observations which in an early part of the evening were made by the noble Lord the Member for the City of London. At that time I rose and offered an explanation of the remarks to which the right hon. Gentleman has referred. If I might be allowed to form an opinion of the sentiments of the Committee, from the manner in which they received my explanation, I believe it was perfectly satisfactory. The explanation which the right hon. Gentleman asks has, therefore, already been made, and has been thoroughly accepted; and I now leave it to the fairness of the Committee to judge between the right hon. Gentleman and myself.

SIR JOHN PAKINGTON: Sir, I am glad the hon. Baronet opposite has not complied with the suggestion of the right hon. Gentleman that he should express regret for one of the best and most effective speeches I have ever heard. At this late hour I will not interfere between the House and the division. I will, however, claim their attention for a few moments, as I believe I am almost the only Member of the House who has not yet spoken on the Budget. My reason for now rising is that the right hon. Gentleman the Chancellor of the Exchequer, in the course of his speech, put a question which I think it is in my power to answer. The right hon. Gentleman complained that the present duties on tea and sugar had been described as "War Duties," and he asked who was the author of the phrase. To that question, I believe, I can give an answer. In 1857, in one of our debates, one of the speakers said, "It is almost matter of good faith, that when next remissions of taxation were made, the duties on tea and sugar, which were, in fact, war duties, should be reduced." The speaker added that there could be no greater claim for a reduction of taxation than on those articles which entered so largely into the consumption of the people. Who spoke these words? The noble Lord the present Secretary of State for Foreign Affairs. Therefore, the author of the phrase "War Duties," as applied to the duties on tea and sugar, of which the right hon. Gentleman complains, was the noble Lord his colleague, to whom I refer him. I confess I have heard with extreme surprise any reference to the Flintshire election. The right hon. Gentleman took part in that election, and also in the same election two years ago. If there is a man in this House from whom I did not expect to hear any reference to the Flintshire election it is the right hon. Gentleman. I claim the right to say that I have listened to these debates from first to last, and have heard nothing to affect the opinion I entertain, and which the great majority in this House and the country also hold with me, that this Budget is open to three fatal objections. The first is that the arrangement is one that is financially unwise. The second is that the Budget is no better than a party manœuvre, and has been arranged with a view to the interests of party, and not of the country. Lastly, I am of opinion that this Budget does involve unnecessary offence, if not insult, to the House of Lords. The House of Lords, however, I have no doubt will treat that offence with the contempt it deserves. I maintain that the House of Lords has never objected to repeal the paper duties. They only objected to reduce the resources of the country. If hon. Members will refer to the speech of the Earl of Derby they will find in it a distinct statement that he agrees in thinking that the paper duty is an objectionable impost, that its maintenance is a mere matter of time, and that whenever the state of the finances renders it desirable he is prepared to support the total repeal of the paper duty. The right hon. Gentleman has spoken of my right hon. Friend (Mr. Disraeli) as being unable to resist the temptation of explaining away the part he had taken in 1858. But the part taken by my right hon. Friend requires no explanation. He held the same language then that the Earl of Derby held last year. We were parties to a Resolution, and we thereby acknowledged that it was right to repeal the paper duty whenever the financial state of the country would permit. When the right hon. Gentleman imputes to us that we are inconsistent in proposing to repeal the tea duties, whereby we reduce the revenue by £200,000 more than he proposed, my answer is to be found in an extract from another speech by the noble Lord (Lord John Russell). He was then an independent Member of the Opposition. In 1857 the noble Lord said he was sure that a reduction of the duty on tea to 1*s.* per lb. would be followed by an increased consumption that would soon bring up the revenue to its former amount. This is an answer to the charge of inconsistency. The—[Lord JOHN RUSSELL: I never said the revenue would be made up in one year.] No; but I adopt the language of the noble Lord, and say that the duty in a few years will be entirely made up. I think that the Government ought to have considered the interests of the country, and not the interests of party; and, had they done so, they would have repealed the duties which, in time of war, were put on the comforts of the people instead of repealing the duty on an article which contributes to comforts of the masses in only a very slight degree. For those reasons I cannot concur in the proposition of the Government.

VISCOUNT PALMERSTON: Sir, I cannot begin the very few words which I shall feel it my duty to submit to the House on the present Motion without expressing the satisfaction I feel, and which I am sure is participated in by all present, at seeing again within these walls my hon. Friend the Member for Rochdale, returned after rendering those valuable services which he has performed for his country, and restored to that health which I am sure even those who differ from him in politics are happy to see him enjoying. Now, Sir, the hon. Member for Norfolk (Mr. Bentinck) has asked me a question which he has repeated now for the second time, and I presume it will be a question put every fortnight till the end of the Session. I am happy, however, to be able to answer that question in the same words in which I answered it before. The hon. Member asks me whether there is anything in the present state of Affairs on the continent of America which induces me to think it will be necessary to apply to this House to increase our armaments either by land or sea. I stated to the hon. Gentleman that I saw nothing in the events now taking place in the United States which was likely to lead to those consequences. The hon. Member asks me again whether those events in America are likely materially to affect the Customs' and Excise duties of this country. The best answer which I can give him on this point is to state the fact that during the eight weeks ending last Saturday the produce of the Customs and Excise and

Stamps—the fixed revenue of the country—was £500,000 more than in the corresponding period before those occurrences. Judging, therefore, of the future from the past, I do not think we have need to be under any anxiety on the subject. Passing from that topic, I must observe that the state in which the House is this evening is certainly a remarkable contrast to that which the right hon. Gentleman the Member for Buckinghamshire stated to have been its condition on the occasion when the Vote on the Paper Duty was before taken. This certainly is not a languid House; nor is the vote likely to be a sleepy vote. We are told that hon. Members have come down to give freely, and without reference to party considerations, those votes which on mature reflection in their study they may be led to give on the repeal of the paper duty. Why, Sir, I dare say that is the case. At all events, the vote of this night will be one remarkable for the manner in which different conflicting opinions have, without any party object whatever, been brought to concur in a single vote. We are going to have a vote against the repeal of the paper duty by those who on former occasions voted against that repeal, and by those who decidedly and enthusiastically voted for it. We are going to have the same vote given by those who denied the existence of a surplus, and by those who exhibited a wish to diminish the surplus which my right hon. Friend proposed as the result of the financial year. We are going to have the same vote given by those who advocated a repeal or remission of the duty on tea, by those who on former occasions demanded a reduction of the Excise duties, and by those who supported a repeal of the income tax. We are going to have the same vote given by Free-traders and Protectionists. We are going to see every variety of opinion merge into one common vote, and we are told that this is not a party vote. We are told by the right hon. Baronet who has just spoken, and who has just censured what he calls a party manœuvere, that there is nothing of party in this vote. Indeed, on the contrary, we are assured by many of the hon. Members who have spoken in this debate that there is nothing which hon. Gentlemen opposite have at heart so much as to maintain and support the existing Government. Well, Sir, at last we shall come to an end of this long debate; and if we wanted any authority for the opinion that this debate has lasted an unusual time, it is afforded us by the first sentence of the speech of the right hon. Baronet, who stated that he believed he was almost the only Member of the House who had not spoken on this discussion. Therefore, Sir, I may be excused for saying that this has been a long debate, and that hon. Gentlemen have had a full opportunity of making up those independent opinions and uniting them in one harmonious whole which are to characterize the division to-night. But I hope that, in spite of this fortuitous concurrence of discordant atoms in one united vote, hon. Members will remember that we are deciding a most important question of financial regulation; that they will bear in mind all those arguments have been refuted by those who have spoken on this side of the House, and will not be led away by the conflicting, and, I may say, by the unfounded arguments of those who have spoken against the proposition of the Government. Almost every one has concurred that the paper duty is vicious and hurtful in itself and vexatious in its collection. Hon. Gentlemen on the other side of the House have argued, and confirmed that argument by their votes, that this tax ought to be repealed on the earliest occasion on which the finances of the country will allow of its repeal. It has been proved and admitted that the tax is one which not only imposes a burden on the industrial exertions of the country, but is promotive of impediments to any fresh operations in the particular branch of trade on which it is levied. My right hon. Friend has reminded the House that this is the last remnant of an objectionable system of Excise duties; that we are not inaugurating any new system of finance, but only completing a system which has been sanctioned by many of the most competent authorities in former times as well as at the present in all that relates to the commercial transactions of the country. I do, therefore, hope that no extraneous matter—no question of party, independent of the matter at issue—will affect the votes on the division which is about to take place. Relying on the assurance which has been given, that hon. Gentlemen are going to vote free from all party considerations, and on a full and mature consideration of the merits of the case—and believing and being convinced that the merits of the case are clear as the sun at noon day—I confidently look to the result of the division which is to decide the question on which we are now about to pronounce our opinion.

Question put, "That Clause 4, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 296; Noes 281: Majority 15.

List of the AYES.

Abercrombie, R. W. D.
Acton, Sir J. D.
Adair, H. E.
Adam, W. P.
Adeane, H. J.
Agar-Ellis, hn. L. G. F.
Alcock, T.
Andover, Visct.
Angerstein, W.
Anson, hon. Captain
Ashley, Lord
Atherton, Sir W.
Ayrton, A. S.
Bagwell, J.
Baines, E.
Baring, H. B.
Baring, rt. hn. Sir F. T.
Baring, T. G.
Barnes, T.
Bass, M. T.
Baxter, W. E.
Bazley, T.
Beale, S.
Beamish, F. B.
Beaumont, W. B.
Beaumont, S. A.
Bellew, R. M.
Berkeley, hon. H. F.
Berkeley, Col. F. W. F.
Bethell, Sir R.
Biddulph, Col.
Biggs, J.
Black, A.
Blencowe, J. G.
Bonham-Carter, J.
Botfield, B.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bright, J.
Briscoe, J. I.
Bristow, A. R.
Brown, J.
Browne, Lord J. T.
Bruce, Lord E.
Bruce, H. A.
Buchanan, W.
Buckley, Gen.
Buller, J. W.
Buller, Sir A. W.
Bury, Visct.
Butler, C. S.
Buxton, C.
Caird, J.
Calthorpe, hn. F. H. W. G.
Cardwell, rt. hon. E.
Carnegie, hon. C.
Castlerosse, Visct.
Cavendish, hon. W.
Cavendish, Lord G.
Childers, H. C. E.
Cholmeley, Sir M. J.
Churchill, Lord A. S.
Clay, J.
Clifford, C. C.
Clifford, Col.
Clive, G.
Cobden, R.
Coke, hon. Col.
Colebrooke, Sir T. E.
Collier, R. P.
Coningham, W.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Crawford, R. W.
Crossley, F.
Dalglish, R.
Davey, R.
Davie, Sir H. R. F.
Davie, Col. F.
Denman, hon. G.
Dent, J. D.
Dillwyn, L. L.
Divett, E.
Dodson, J. G.
Douglas, Sir C.
Duff, M. E. G.
Duke, Sir J.
Dunbar, Sir W.
Duncombe, T.
Dundas, F.
Dundas, rt. hon. Sir D.
Dunlop, A. M.
Dutton, hon. R. H.
Elcho, Lord
Ellice, E.
Enfield, Visct.
Ennis, J.
Euston, Earl of
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Fenwick, H.
Ferguson, Col.
Fermoy, Lord
Finlay, A. S.
Fitzwilliam, hn. C. W. W.
Foley, J. H.
Foley, H. W.
Foljambe, F. J. S.
Forster, C.
Forster, W. E.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Fox, W. J.
Freeland, H. W.
Gaskell, J. M.
Gibson, rt. hon. T. M.
Gifford, Earl of
Gilpin, C.
Gladstone, rt. hon. W.
Glyn, G. C.
Glyn, G. G.
Goldsmid, Sir F. H.
Gordon, C. W.

Viscount Palmerston

Gower, hon. F. L.
Graham, rt. hon. Sir J.
Greenall, G.
Greenwood, J.
Gregson, S.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grosvenor, Earl
Gurdon, B.
Gurney, J. H.
Gurney, S.
Hadfield, G.
Hanbury, R.
Handley, J.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Hardcastle, J. A.
Hartington, Marq. of
Hayter, rt. hn. Sir W. G.
Headlam, rt. hon. T. E.
Heneage, G. F.
Henley, Lord
Hervey, Lord A.
Hodgkinson, G.
Hodgson, K. D.
Holland, E.
Howard, hon. C. W. G.
Hutt, rt. hon. W.
Ingham, R.
Jackson, W.
Jervoise, Sir J. C.
Johnstone, Sir J.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, Col.
Kinnaird, hon. A. F.
Langston, J. H.
Lawson, W.
Layard, A. H.
Leatham, E. A.
Lee, W.
Levinge, Sir R.
Lewis, rt. hon. Sir G. C.
Lewis, H.
Lindsay, W. S.
Locke, J.
Lockhart, A. E.
Lowe, rt. hon. R.
Lytton, rt. hon. Sir G. E. L. B.
M'Cann, J.
Mackie, J.
Mackinnon, W. A.
Mackinnon, W. A.
Mainwaring, T.
Marsh, M. H.
Marshall, W.
Martin, P. W.
Martin, J.
Matheson, A.
Matheson, Sir J.
Mellor, J.
Merry, J.
Mildmay, H. F.
Miller, W.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Moncreiff, rt. hon. J.
Monson, hon. W. J.
Morris, D.
Norris, J. T.
North, F.
O'Brien, P.
O'Connell, Capt. D.
Ogilvy, Sir J.
Onslow, G.
Osborne, R. B.
Owen, Sir H. O.
Packe, G. H.
Padmore, R.
Paget, C.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Paxton, Sir J.
Pease, H.
Peel, rt. hon. F.
Pigott, Serjt.
Pilkington, J.
Pinney, Col.
Pollard-Urquhart, W.
Ponsonby, hon. A.
Portman, hn. W. H. B.
Pritchard, J.
Proby, Lord
Pryse, E. L.
Puller, C. W. G.
Raynham, Visct.
Ricardo, J. L.
Ricardo, O.
Rich, H.
Robartes, T. J. A.
Robertson, D.
Roebuck, J. A.
Rothschild, Baron L. de
Rothschild, Baron M. de
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, A.
Russell, Sir W.
St. Aubyn, J.
Salomons, Mr. Ald.
Scholefield, W.
Scott, Sir W.
Scrope, G. P.
Seymour, Sir M.
Seymour, H. D.
Seymour, W. D.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, R. B.
Sheridan, H. B.
Sidney, T.
Slaney, R. A.
Smith, J. B.
Smith, M. T.
Smith, A.
Somerville, rt. hon. Sir W. M.
Staniland, M.
Stanley, hon. W. O.
Stansfeld, J.
Steel, J.
Stuart, Col.
Sykes, Col. W. H.
Thompson, H. S.
Thornhill, W. P.
Tite, W.
Tollemache, hon. F. J.
Traill, G.
Trelawny, Sir J. S

Turner, J. A.
Tynte, Col. K.
Vane, Lord H.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Vyner, R. A.
Walter, J.
Warner, E.
Watkins, Col. L.
Wemyss, J. H. E.
Western, S.
Westhead, J. P. B.
Whalley, G. H.
Whitbread, S.
White, J.
Wickham, H. W.
Wilcox, B. M'Ghie
Williams, W.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Woods, H.
Worsley, Lord
Wrightson, W. B.
Wyld, J.
Wyvill, M.

TELLERS.

Brand, hon. H.
Knatchbull-Hugessen E.

List of the Noes.

Adderley, rt. hon. C. B.
Annesley, hon. Col. H.
Arbuthnott, hon. G.
Archdall, Capt. M.
Astell, J. H.
Bailey, C.
Baillie, H. J.
Ball, E.
Baring, A. H.
Baring, T.
Barttelot, Major
Bathurst, A. A.
Bathurst, F. H.
Beach, W. W. B.
Bective, Earl of
Beecroft, G. S.
Bentinck, G. W. P.
Bentinck, G. C.
Benyon, R.
Beresford, rt. hon. W.
Bernard, hon. Col.
Bernard, T. T.
Blackburn, P.
Blake, J.
Booth, Sir R. G.
Bovill, W.
Bowyer, Sir G.
Boyd, J.
Brady, J.
Bridges, Sir B. W.
Brooks, R.
Bruce, Major C.
Bruen, H.
Burghley, Lord
Burke, Sir T. J.
Cairns, Sir H. M'C.
Calcutt, F. M'N.
Cartwright, Col.
Cave, S.
Cecil, Lord R.
Clive, hon. G. W.
Close, M. C.
Cobbett, J. M.
Cobbold, J. C.
Cochrane, A.D.R.W.B.
Codrington, Sir W.
Cole, hon. H.
Cole, hon. J. L.
Collins, T.
Conolly, T.
Corbally, M. E.
Cross, R. A.
Cubitt, Mr. Alderman
Cubitt, G.
Curzon, Visct.
Dalkeith, Earl of
Damer, S. D.
Dawson, R. P.
Dickson, Col.
Disraeli, rt. hon. B.
Drax, J. S. W. S. E. D.
Du Cane, C.
Duncombe, hon. A.
Duncombe, hon. W. E.
Dunkellin, Lord
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Edwards, Major
Egerton, Sir P. G.
Egerton, hon. A. F.
Egerton, hon. W.
Elmley, Viscount
Elphinstone, Sir J. D.
Esmonde, J.
Estcourt, rt. hon. T. H. S.
Farquhar, Sir M.
Farrer, J.
Fellowes, E.
Fergusson, Sir J.
Filmer, Sir E.
FitzGerald, W. R. S.
Forde, Col.
Forester, rt. hon. Col.
Forster, Sir G.
Franklyn, G. W.
French, Col.
Galway, Visct.
Gard, R. S.
George, J.
Getty, S. G.
Gilpin, Col.
Gladstone, Capt.
Goddard, A. L.
Gore, J. R. O.
Gore, W. R. O.
Graham, Lord W.
Greaves, E.
Greene, J.
Gregory, W. H.
Greville, Col. F.
Grey de Wilton, Visct.
Griffith, C. D.
Grogan, Sir E.
Haliburton, T. C.
Hamilton, Lord C.
Hamilton, J. H.
Hamilton, Visct.
Hanbury, hon. Capt.
Hardy, G.
Hardy, J.
Hartopp, E. B.
Hassard, M.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Hennessy, J. P.
Henniker, Lord
Herbert, rt. hon. H. A.
Heygate, Sir F. W.
Hill, Lord E.
Hill, hon. R. C.
Hodgson, R.
Holmesdale, Visct.
Hood, Sir A. A.
Hope, G. W.
Hopwood, J. T.
Hornby, W. H.
Horsfall, T. B.
Horsman, rt. hon. E.
Hotham, Lord
Howes, E.
Hubbard, J. G.
Humberston, P. S.
Hume, W. W. F.
Hunt, G. W.
Ingestre, Visct.
Jermyn, Earl
Jervis, Capt.
Johnson, Capt. J. S. W.
Johnstone, hon. H. B.
Johnstone, J. J. H.
Jolliffe, rt. hon. Sir W. G. H.
Jones, D.
Kekewich, S. T.
Kelly, Sir F.
Kendall, N.
Kennard, R. W.
Ker, D. S.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Knox, hon. Maj. S.
Lacon, Sir E.
Lanigan, J.
Leader, N. P.
Lefroy, A.
Legh, W. J.
Leighton, Sir B.
Lennox, Lord G. G.
Leslie, C. P.
Leslie, W.
Lever, J. O.
Liddell, hon. H. G.
Lindsay, hon. Gen.
Long, R. P.
Longfield, R.
Lopes, Sir M.
Lovaine, Lord
Lowther, hon. Col.
Lowther, Capt.
Lyall, G.
Lygon, hon. F.
Macaulay, K.
Macdonogh, F.
MacEvoy, E.
M'Mahon, P.
Malcolm, J. W.
Malins, R.
Manners, rt. hn. Lord J.
Maxwell, hon. Col.
Miles, Sir W.
Miller, T. J.
Monsell, rt. hon. W.
Montagu, Lord R.
Montgomery, Sir G.
Mordaunt, Sir C.
Morgan, O.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Mundy, W.
Murray, W.
Naas, Lord
Newdegate, C. N.
Newport, Visct.
Nicol, W.
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
O'Donoghue, The
O'Hara, C. W.
Packe, C. W.
Pakenham, Col.
Pakington, rt. hn. Sir J.
Palk, Sir L.
Palmer, R. W.
Papillon, P. O.
Parker, Maj. W.
Patten, Col. W.
Paull, H.
Peacocke, G. M. W.
Peel, Sir R.
Peel, rt. hon. G.
Pevensey, Visct.
Phillips, G. L.
Potts, G.
Powell, W. T. R.
Powys, P. L.
Pugh, D.
Quinn, P.
Ramsden, Sir J. W.
Redmond, J. E.
Repton, G. W. J.
Ridley, Sir M. W.
Rogers, J. J.
Rolt, J.
Rowley, hon. R. T.
Russell, F. W.
Salt, T.
Sclater-Booth, G.
Selwyn, C. J.
Seymer, H. K.
Shirley, E. P.
Sibthorp. Maj.
Smith, M.
Smith, A.
Smith, S. G.
Somerset, Col.
Somes, J.
Spooner, R.
Stacpoole, W.
Stanhope, J. B.
Stanhope, Lord
Stanley, Lord
Stirling, W.
Steuart, A.
Stuart, Lieut. Col. W.
Stracey, Sir H.
Sturt, H. G.
Sturt, N.
Sullivan, M.
Talbot, C. R M.
Talbot, hon. W. C.
Thynne, Lord E.

Thynne, Lord H.
Torrens, R.
Tottenham, C.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Upton, hon. Gen.
Valletort, Visct.
Vance, J.
Vandeleur, Col.
Vansittart, W.
Verner, Sir W.
Walcott, Adm.
Walker, J. R.
Walpole, rt. hon. S. H.
Walsh, Sir J.
Watlington, J. W. P.
Way, A. E.
Welby, W. E.
Whiteside, rt. hon. J.
Williams, Col.
Woodd, B. T.
Wyndham, hon. H.
Wyndham, hon. P.
Wynn, Col.
Wynn, Sir W. W.
Yorke, hon. E. T.

TELLERS.
Taylor, Col.
Whitmore, H.

COLONEL FRENCH said, that he wished to call the attention of the Committee to the statement made by the noble Lord the Secretary for Foreign Affairs; that statement he considered prejudicial to the honour and independence of the Irish Members of the House. The noble Lord, he understood, stated that a deputation of Irish Members had applied for an interview with the noble Lord the Prime Minister, on the subject of the Galway contract. On the part of all the Irish Members with whom he had spoken, he declared that there was no foundation for this statement. They had never thought of asking an interview with the noble Lord; and, under the circumstances, he did not believe that any Irish Members would have attended such an interview. A certain individual, not representing the Irish Members, did have a conversation with the noble Lord at the head of the Government; he (Colonel French) had asked him whether he had made any statement to the noble Lord that might compromise the honour and independence of the Irish Members, and he (Colonel French) was authorized to state that the report was wholly destitute of foundation.

VISCOUNT PALMERSTON: Perhaps Sir, the Committee will allow me to answer the statement of the hon. Member instead of my noble Friend, as what the hon. Gentleman has said is founded on a communication made to me. My noble Friend did not state that any proposal for a deputation had been authorized by the Irish Members. What passed I will state exactly as it occurred. There is no use in concealing names. Father—that is Mr.—Daly came to me on Saturday, and urged many reasons why the decision of the Government with regard to the Galway contract should be rescinded. I stated to Mr. Daly that I did not consider him authorized to represent anybody, and declined to enter into any discussion with him about the contract, as I did not consider him the ambassador of the Irish Members in general, or of the Galway Company in particular. I said it was a public question; that the hon. Member for Galway (Mr. Gregory) had given notice of a Motion on the subject, and that the question must be discussed publicly in the House of Commons, not privately in my room. Mr. Daly said, if I would not discuss it with him, would I do so with a deputation of Irish Members? I said I did not see that it was a matter between me and the Irish Members, but between the Government and the Galway Company; nor did I see what the Irish Members had to do with it more than to take part in the discussion that must follow on the Motion. Mr. Daly said I was mistaken, because the Irish Members must take some action on the subject. I said "Yes, that action will be on the discussion." Well, Mr. Daly said, "That won't exactly do; I wish to bring a deputation of Irish Members to you on Monday." But Monday I told him was the day appointed for the Budget, and the Galway contract is a different question. I said, "There is no discussion on Monday about the Galway contract. There is no reason why I should receive a deputation on that day, and, moreover, if I were to receive a deputation, I know already everything they could say to me, and I can only tell them what I tell you — namely, that it is a public question to be discussed in the House of Commons, and not in a private room in my house." "Well, but," said Mr. Daly, "I am anxious that you should see them on Monday, because they must take action on the subject, and that action must be taken on the Monday evening." "Oh," said I, "I now understand you; and when it is put to me in that way I must, with all deference and respect for the Irish Members, entirely decline seeing any of them." So the matter ended, and that is what I stated to my noble Friend as well as to my right hon. Friend the Chancellor of the Exchequer. I do not know what authority Mr. Daly had for anything which he said, or for his undertaking to bring me a deputation of Irish Members. My noble Friend did not say that he was authorized, and it is for Mr. Daly and the Irish Members to settle this point between them.

COLONEL DUNNE said, that no one had a right to go to the noble Lord and act in his name, or in that, he believed, of any other Irish Member. However much he might condemn the conduct of the Government in reference to the Galway contract, he would have equally opposed the financial measures of the Chancellor of the Exchequer if the contract had been continued. He opposed those measures because he had no confidence, and his constituents had no confidence in the right hon. Gentleman.

Remaining Clauses and the Schedules were then *agreed to.*

House *resumed;* Bill *reported,* as amended, to be considered *To-morrow.*

House adjourned at half-after One o'clock.

HOUSE OF LORDS,

Friday, May 31, 1861.

MINUTES.] PUBLIC BILLS.—2ª Government of the Navy.
3ª Leases, &c. by Incumbents Restriction; Combination of Parishes Dissolution (Scotland).

MONEY POWERS IN RAILWAY ACTS.—STANDING ORDER No. 185.

LORD REDESDALE moved, That the Standing Order No. clxxxv. (formerly 223) be considered, in order to its being amended in the following manner, after paragraph 2, to insert:—

> "3. That no Provision authorizing any Company to raise Money or to subscribe towards or to guarantee any Money in the Undertaking of another Company, shall be introduced into any Bill which is not brought in by the Company thereby authorized to raise Money or to subscribe or to guarantee."

The noble Lord said the Amendment had become necessary from a practice that had sprung up of Companies bringing in Bills in which powers were taken for other companies to contribute money or to guarantee money; so that a person looking at the especial Act of Parliament governing a particular Company was not enabled to ascertain what was the real extent of the company's liabilities.

THE MARQUESS OF CLANRICARDE said, that the effect of adopting this as a Standing Order would be to require Railway Companies to bring in a Bill whenever they proposed to subscribe towards any small branch promoted by a local Company, as well as the new Company applying for Parliamentary powers to construct it. He thought it unwise, where a line was for the benefit of the community, to impose unnecessary difficulties or restrictions on the parties promoting it.

EARL GRANVILLE said, that although the authority of the noble Lord the Chairman of Committees was of great weight, yet he thought there was much reason in what had been stated by the noble Marquess as to the danger of increasing the Parliamentary expenses of railways. That was very undesirable. It was, besides, unadvisable to multiply Standing Orders which did not agree with those of the other House of Parliament. Perhaps the better course would be to postpone this matter with a view to its being more fully considered.

LORD REDESDALE stated that the terms of the Resolution had been communicated to the Chairman of tho Committee on Standing Orders of the House of Commons, and had been approved. It was not intended that the Standing Order should apply to Bills before Parliament this Session. He had no objection to postpone it.

Motion *postponed.*

SALMON FISHERIES.—OBSERVATIONS.

THE EARL OF MALMESBURY rose to call the Attention of the House to the Report and Recommendations of the Commissioners upon the Salmon Fisheries of England and Wales. Upon one occasion the late Sir Robert Peel was said to have declared that he never knew a Session which could not boast of a Salmon Fisheries Bill, and it appeared that the present Session was to be no exception to the rule, because their Lordships were not only to be called upon to consider the provisions of a Salmon Bill, but they had upon their table a copious volume in the shape of a Report and recommendations of a Royal Commission issued to inspect the salmon fisheries of England and Wales, and to inquire into the causes of the diminution in the number of fish caught. He had spent many pleasant hours of his life in salmon fishing, and he was, therefore, not likely to pick holes in any recommendations that might be made for the preservation of that particular fish, but, on the contrary, was most anxious to encourage by all fair means its preservation and increase. At the same time, however, he could not put aside altogether the prejudices with respect to tho liberty of the subject and the rights of private property, which they had all been taught to reverence and maintain:

but he must say he thought the Royal Commissioners, in the exercise of their duty, which they seemed to have carried out with zeal and ability, and which had resulted in an excellent Report containing good advice, had been carried away by overmuch zeal, and had conducted their inquiries upon the principle that a salmon was almost the first animal in creation. Parodying the old lines they might have finished their report by saying—

> "When a salmon's in the case
> All other things, of course, give place."

Misled by exaggerated evidence as to the miraculous quantity of salmon that formerly existed, they had been brought to the conclusion that the same wonderful quantity might be restored by an Act of Parliament. He could not persuade himself that there ever existed the enormous quantities of salmon which were described in old charters, or that, supposing there were, we should ever see anything of the same kind again. The Commissioners laid stress upon certain old documents, which said that apprentices should not be fed upon salmon oftener than twice a week. He knew that such parchments existed in Salisbury and other places at the heads of rivers, but we did not find them at the mouths of rivers. The natural inference was that the unfortunate apprentices concerned were crammed with black or foul fish, which were found in great quantities at the heads of rivers, and which were unfit for human food. We all knew the exaggerations of old men—*laudatores temporis acti.* Every old fisherman believed that salmon were formerly twice as large and twice as numerous as now; but, as far as his own experience was concerned, he could not say that he saw much difference in the "take" of fish. In 1856 there were more fish caught in some of the rivers in the south of England than had been taken for twenty or thirty years before; and although some reasons might be given for a general diminution in the breed of salmon, yet the variations from year to year were as unaccountable as those in the number of woodcocks. There were several points on which he agreed with the Commissioners, and with respect to which he would offer no opposition to their recommendations. For example, he had no doubt that the removal of obstacles at the mouths of rivers was very desirable, inasmuch as it would allow the fish to reach the spawning beds in the upper water. He thought, also, that there should be a regular close time, to be observed most strictly during the breeding season, when the fish were really not fit to be eaten. A penalty should be attached to the sale of roe, provision should be made by which the fish should be allowed to attain a proper size before they were taken; and a stop should be put to the exportation of fish out of season, which could be done most effectually by an arrangement with the French Government. Such measures for preserving and increasing the breed of salmon might be easily put in execution without any infringement upon the rights of private property or upon the liberty of the subject, and he thought they were all that it would be wise or necessary to adopt. Other recommendations of the Commissioners—recommendations which were embodied in a Bill now before the other House—were, if not impossible, at least impolitic, and, he believed, impracticable. It was actually proposed that the whole of England, land as well as water, should be put under the paternal protection, as far as salmon were concerned, of the Home Office; that there should be a Central Board established to govern all fisheries; that local boards should act as the lieutenants of the Central Board. So complicated was the machinery for carrying out the supervision of the Board that he could almost imagine himself reading a new Reform Bill. All fisheries were to be valued, and rates levied upon them to defray the expenses of general superintendence and of constabulary for the protection of the fish; the water-bailiffs were to be empowered, whenever they pleased, to walk over the private property adjacent to rivers without let or hindrance. The last proposal pointed to an interference with the rights of private property which would be fatal to the peace of any rural community. In many cases the fishery belonged to one man, and the banks of the river to another, so that the landowner would be trespassed upon for the benefit of the fishery proprietor. If a man possessed both fishery and land, he surely might protect his own fish; if the water only belonged to him, he could protect it by going up and down the river in a boat. At present no person could land or net, or angle without the permission of the owner of the banks, and, therefore, it was proposed to give to other parties a power which even the proprietors of fisheries themselves did not possess. It was recommended, moreover, that all streams which were led from large rivers for purposes of irrigation, should be stopped at their entrances by gratings, with a view to prevent the passage of fish. To do that would sometimes be equivalent to the stoppage of the whole drainage of the country, owing to the accumulation of water which would take place in consequence. It was quite true, he admitted, that the Commissioners recommended that, in case any damage was occasioned by such stoppages, reasonable compensation should be made; but he could conceive nothing which would be likely to create more constant wrangling than that official gentlemen should at this time of the year walk through the grass and corn on the banks of rivers with the object of carrying that recommendation into effect. Their Lordships had no idea, in short, of the complicated machinery which the proposals made on the subject, if carried out, would entail; and when he took up the measure itself, in which those proposals were embodied, it appeared to him as if the Government had aimed at framing a new Reform Bill. It embraced a system of double election—that of a central as well of local boards—and provided for the supervision of the Home Office in the case of those bodies. If, he might add, the objections which he had pointed out were not removed, he felt assured that annoyances and disputes would prevail to such an extent that people would say they would rather have no salmon at all than be kept in such a continued state of turmoil. He trusted, therefore, the Government would not try to do too much in the matter, and would not, by following too strictly the recommendations of the Commissioners, embark on a course of impossible legislation, but would rather consider the advisability of introducing some less stringent measure.

EARL GRANVILLE said, he could not lay claim to this special knowledge possessed by his noble Friend, and he was one of the very few Members in either House of Parliament who happened never to have sat on a Committee on a Salmon Bill, or to have taken part in legislation on the interesting and vexed question to which the noble Earl had just called attention. He knew, however, sufficient of the subject to be able to form the opinion that there was a diminution in the quantity of salmon, and in that opinion he was confirmed by the Report of the Commissioners. Their Lordships would, he might add, be deceived by what had fallen from the noble Earl if it should lead them to suppose that the Commissioners had founded the conclusion at which they had arrived simply on the representations of some old fishermen. The increased cost of salmon, the diminished rental of rivers, as well as official and formal documents, had, in addition, furnished them with actual proof that both in number and in weight salmon had diminished in all the fisheries of the country. But, be that as it might, it would be entirely out of order to discuss the provisions of a Bill on the subject which had not yet come under their Lordship's consideration, while at the same time he thought it was, perhaps, desirable that an opportunity of ventilating—to use a vulgar phrase—a question of considerable importance should be afforded. He would, however, be going far beyond his duty if, as a member of the Government, he were to enter into a discussion of the details of a Bill now under the consideration of the other branch of the Legislature. He should, therefore, content himself with saying that the subject was one which required the introduction of a Reform Bill, and that the Government, acting on the advice of the Commissioners, had prepared a measure which was founded almost entirely on a law now in existence in Ireland on the same subject, which, he was informed, worked in a most satisfactory manner. The subject was well worthy the consideration of the House, and when the Bill came up to it in due course, he trusted its provisions would receive careful consideration and revision.

CULTIVATION OF COTTON IN INDIA.

OBSERVATIONS.

THE MARQUESS OF TWEEDDALE: I rise to present a Petition to your Lordships from the Cotton Supply Association of Manchester, in which they express their alarm at the prospect of a serious diminution in the future supply of cotton to this country in consequence of the civil war now raging between the Northern and Southern States of America, and in order that I should not occupy too much of your Lordships' time, I will only read the Prayer of the Petition—

> "Your Petitioners, therefore, pray your Right Honourable House to adopt such measures as will contribute to the development of the agricultural and commercial resources of India, and in particular to a supply of cotton from that country."

The first object they have in view is that the sale of land may be made in fee simple; the second is the establishment f efficient courts of law; the third is the construction of all necessary public works, such as roads, railroads, canals, the improvement of the navigation of rivers, and particularly the Godavery. In directing your Lordship's attention to the petition I have just presented, I must crave your indulgence when I make a few observations on a subject vitally affecting the interests of so large a portion of the manufacturing population of this country. To myself it is a source of gratification to think that the first time I have had the honour of addressing your Lordships it should be in support of that branch of industry which long experience teaches me is the keystone to our agricultural prosperity. In common with your Lordships, I feel with deep interest the crisis that now hangs so heavily on the heads of the people of the United States of America. The two countries have been so long and intimately connected in commercial transactions, that what deranges the trade of one must necessarily affect the industry of the other. It, therefore, does not surprise me that the manufacturers of Manchester and Glasgow have taken the alarm at what is occurring on the other side of the Atlantic. Their trade and the bread of hundreds of thousands of our manufacturing population and their families depend at present on the supply of cotton from the Southern States of North America. They must naturally now look to some other country to supply their wants. Your Lordships are aware that India has of late become one of the chief markets for the disposal of our manufactured cotton goods, and by encouragement such as it has a right to expect, I have no doubt that it will soon supply our manufacturers with the raw material. From time immemorial that country has produced cotton sufficient to clothe 200,000,000 of its inhabitants. Now, my Lords, during the last thirty years past anxiety has been shown by the authorities at home, and by the Local Government in India, to meet the wishes of the manufacturers of Manchester and Glasgow in the improvement of the cotton wool of India. But the extraordinary demand for it has only shown itself during the last few years. If your Lordships will refer to the blue books containing the minutes and proceedings of the Local Government on this subject, you will find that the quality of cotton wool sent from India has been considerably improved of late years, and the quantity imported into this country has much increased. No doubt there has been a difference of opinion in regard to the cause of the supply not being equal to the demand of our manufacturers of late. Those who trade in cotton seem to think that it is owing to the defective state of the land tenure in the Ryotwar districts of India, to the bad state of the roads which connect the field of production with the port of export, in consequence of the rivers and their tributaries which traverse the cotton fields not having had the obstacles which impede navigation removed, and particularly in the Godavery, to the insecurity of invested property, as well as of advances made to the Natives for the purposes of cultivation. Before I sit down I will revert to these points. When I was in India I heard opinions expressed very similar to what I have heard since my return home. I consequently gave every consideration to the subject, and after much investigation I recorded the same opinion in regard to the principal cause of the deficiency of supply from India that I entertain now—that unless the manufacturers of this country engaged in the cotton trade send out agents, who are thoroughly acquainted with their wants, into the cotton districts of India, with instructions to purchase from the Native cultivator cotton of the quality, and cleaned as they desire to have it, at a remunerative price to the grower, they need not expect to see themselves made independent of other countries by the amount of supply that would be imported into this country from India; and this opinion is corroborated from what I hear from India in the present day, as well as from men in whose experience I have confidence, now living at home. I am glad to say that the Cotton Supply Association have appointed a gentleman to carry out these views who is thoroughly acquainted with the wants of our manufacturers, and who will arrive in India before the cotton crop is ripe. I feel assured, if your Lordships were aware of all the tricking and deception that used to take place, and what I am told still frequently takes place, with the cotton from the time it leaves the cultivator's hands, and gets into the possession of the Native chitty and broker, until it is put on board of ships, as well as the exorbitant rate of interest (from 18 to 40 per cent) that the Native cultivator frequently pays for the advances made to him by the soucar, you would not be astonished at the course I recommend. I firmly believe, that if the manufacturers' agents purchased cotton from the cultivators, and had their own gins in the cotton district, it would soon put an end to the necessity of the Natives requiring advances, and would enable them gradually to amass capital, as they would then receive the full value of their produce. They have been so long oppressed in the disposal of their produce by the Native brokers, &c., that they will require for some time to be accustomed to the straightforward dealing of a European agent to make them forget all their bad habits which have been forced on them in the disposal of their raw material. And, if the same agents themselves would import the cotton into England without the interference of the Native chitty, a still greater profit would be derived. We must remember that the Native weavers always offer a market for the indigenous cotton of the country, with which they produce cotton cloth of sufficient quality for the use of its inhabitants. The indigenous cotton plant is an annual, and in the American planters' estimation whom I consulted, was capable of considerable improvement in the length and strength of its fibre, so as to suit it for the machinery of this country. The Bourbon cotton in demand at Manchester for the coarser fabrics is a biennial. The Mexican and New Orleans cotton grown in India is of sufficient quality for the manufacture of the superior kind of cotton goods, but the quantity produced there is limited. Unless the Native cultivator is certain of an annual demand, not depending on a good or bad crop in the Southern States of America, he will neither grow the biennial nor the perennial species in sufficient quantity to be a substitute for a short supply from that country. He has his land tax to pay punctually at two periods of the year; and, therefore, he will only grow that species of cotton for which he has an annual market. Climate is of much greater consequence to the Mexican and New Orleans cotton plant than the soil in which it is planted; that is to say, that a superior climate with an inferior soil will produce a greater quantity and better quality of cotton than a superior soil with an inferior climate. The Southern States of America, bordering on the Gulph of Mexico, between north latitude 30 and 33 have great advantages over other countries in producing the Mexican and New Orleans species of cotton; the climate is very humid, causing heavy dews and thick fogs at night, which the bright sun that prevail in the morning and during the whole day, dispels at the time the plant requires moisture most, and brings the bole to maturity in a manner that no artificial irrigation has been able to effect in India, except in small patches of gardens when watered with great care by artificial means. Artificial irrigation is accompanied by a great increase of insects which destroy the cotton wool in the pod before it comes to maturity. There are several reasons for trying to improve the indigenous cotton of India. It stands the three months of dry hot winds that blow over many of the cotton fields of India which are destruction to the exotic species, and as soon as the bole is gathered the Native cultivator grubs up the plant, prepares the land for another crop, sows, reaps, and markets it before the year has expired; and, consequently, has two certain crops to dispose of, with which he pays his land tax. The great defect in Indian cotton when compared with the Southern States' cotton is its want of the rich oily substance that is so conspicuous when handling it, and which may be attributed to the poverty of the soil from constant cropping, and the deficiency of home-made or artificial manure for enriching it, as well as the effect of hot dry winds. I have heard great anticipations raised on the effects of the skill and enterprise of the Anglo-Saxon in producing cotton in India, and it is alluded to by the petitioners, who contrast its absence in India as being the cause of America having hitherto obtained precedence over India in the cotton market. Now, my Lords, I attribute it to other causes. The climate of the cotton fields of the two countries is very different. That of the Southern States of America is between the latitude of 30 and 33 north, which is in a comparatively cool climate without the tropics; the cotton-producing country in India alluded to here is within the latitudes of 8 and 24 north. According to the information obtained from India on authority, as well as from other sources, the climate of the cotton fields does not appear to be suited to the European constitution, and, I feel assured, if an unacclimatized European who attended the fieldworkers, and the other duties he would have to perform, felt the heat of a tropical sun and the discomfort of the hot dry winds that blow for three months of the year over most of the cotton fields, and how little prepared he would be to encounter them, added to the other inconveniences he would have to overcome, which are greater than in other countries, particularly in cultivation of the land, or in the propagation of the cotton plant in a climate of which he has no experience, and the hot sleepless nights he would have to endure, I think he would find it beyond his powers to undergo such fatigue, exposed as I have described his daily work to be. But if these anticipations had been attributed to the energy with which Europeans would introduce capital into India, which is so much required by purchasing cotton from the Native cultivators, then I should have willingly joined in all their expectations. For skill in cultivation in a tropical climate I know of no country which at different periods of its history has excelled India. I consider that my own native country is as far advanced in the highest principles of cultivation as any country I know in the present day, but when I look to the experience of India in times past I find many of the principles which guide us well known to that country from its earliest days. I shall now touch lightly on those questions to which I have previously alluded. It is unnecessary for me to occupy your Lordships' time by referring to the revenue system of Madras and Bombay (previous to the year 1852), the two presidencies where Ryotwar prevails, and where cotton is principally cultivated for export, as a material change took place in that year when real Ryotwaree became the revenue system of the Madras presidency. In the year 1852, under express orders from the Court of Directors, and with the concurrence of the local Governments of Madras and Bombay, a Standing Order was issued from the Revenue Boards of both presidencies that on no account should any extra cess be exacted from the ryot for any improvement made by himself on his farm and at his own cost. And that no interference should take place by the revenue officers with the ryots during thirty years which were the terms of the lease. This, in 1852, stood good for Bombay. In Madras the Government protested against a lease, as the ryots there held their farms in perpetuity provided they pay their kist punctually. At the same time they informed the Court of Directors that the ryotwaree in the Madras Presidency was considered, not only as a settlement of the land tenure in perpetuity, but also of the land tax. The minute of consultation of the Madras Government remained unanswered for seven years. In 1857 the Revenue Board of Madras in a public letter expressed a strong opinion on this point in contrasting the ryotwar system of Madras and Bombay. An extract from the proceedings of the Board of Revenue, dated the 15th of July, 1857, No. 2,400, is as follows:—

> "Paragraph 13. It may not here be out of place to notice that a general opinion prevails in England that the Bombay settlement for thirty years secures a far greater permanence of tenure to the landholder than the present ryotwary tenure of Madras.
>
> "This is altogether an error, for a Madras ryot is able to retain his land in perpetuity without any increase of assessment as long as he continues to fulfil his engagements."

All the ryots had to do in each presidency was to pay their land tax punctually, which was ordered by the authorities to be light, unvarying, laid on the land, and not on the crop. The Bombay Government reserved to itself power at the end of thirty years to reconsider the rate of assessment, to raise or to lower it, depending on the rise or fall of price. The Madras Government, according to the construction they put on the ryotwar tenure and land tax of that presidency, reserved no such power, as the ryot held both in perpetuity. At the same time in both presidencies the ryot is only liable for the assessment on the land which he holds in occupation. He has the privilege of transferring by gift or by sale, or to resign to the Government any field of his holding, and thus frees himself of his liability for paying the assessment on the land so given up. The ryot can extend his occupation by taking up fresh land by giving notice to the collector of his intention, and he, consequently, must pay the assessment fixed on that piece of land. In 1858 an order appears to have been sent out to the Madras Government from the Secretary of State in Council placing Madras on the same footing as Bombay, by giving the Government power to reconsider the rate of assessment of the land tax at the end of thirty years. It is a very objectionable course of proceeding to allow the Revenue Board to publish a new system of land tenures in the presidency without the sanction of the highest authority, as it is understood by the Natives that all orders issued by that body emanate with the authorities at home, and consequently become permanent. Your Lordships will naturally ask to what class of land are the fields that the ryots resign to Government transferred? The statement showing the extent and assessment of cultivable lands in the several districts of the Madras Presidency at the absolute disposal of Government is distinguished under three heads. 1st. Circar Ayacut—namely, Government land, after deducting Perumboke or immemorial waste, and Juams or rent-free lands. 2nd. The quantity of this land in occupation of ryots is stated to be 13,207,602 acres of irrigated and unirrigated land. 3rd. The remaining waste or culturable land at the absolute disposal of Government is 13,554,333 acres; and if you select Bellary and Coimbatore, which are known to grow a good quality of cotton, those two districts united have an area of 4,800,000 acres of cultivable waste at the absolute disposal of Government. From this it would appear, as Europeans can hold such land on the same tenure as Natives, there should be no difficulty in supplying their wants. It must be remembered, however, that most of this waste land is reported to be in small patches, and so intermixed with the cultivable lands in occupation of the ryots. The desire, however, of the European being to purchase lands laying contiguous, or within a ring fence. It would be difficult to find so large a property as a European capitalist would desire to possess under these circumstances, unless he purchases land from the native ryots, and so squares his property, he cannot gain his object. I shall now draw your Lordships' attention to the land tenure on building land, and land occupied by buildings in Madras. The following is the Government order for its disposal:—

> "Land hereinafter sought for building purposes by Europeans or Natives, will be put up to auction sale, and sold out and out to the highest bidder, the upset price being twenty times the amount of the yearly quit rent or tax on the land. As soon as the transaction is concluded Government will give a freehold title deed."

The local governments have had the power since 1837 of granting freeholds in land for building purposes. This power has only been fully carried out since 1859. Government resolved to make the order applicable also to the whole of the land on the Neilgherry, the Shevaroy and Pulney Hills, and to the coffee lands in the Wynaud-Talook. In the last mentioned case it will generally be the land tax, only that is redeemed, not the proprietor's fee or rent. Where the proprietor's right is vested in the Government they will be prepared to allow the redemption of the rent also. The Government is the proprietor of these lands, except where the Zemindars in Malabar or Wynaud have forest rights. In the Neilgherries any rights the Todac have are settled by arbitration. At Tacatallo the ground on which the Wellington Barracks are built Government allowed an arbitration, and compounded with the Todas by a money payment. The foregoing contemplates the redemption and extinction of the land tax, by the payment of a sum equal to twenty years tax or quit rent. The next point to which I shall allude, is the first, second, and third class roads and canals in the Presidency of Madras and Bombay. Before referring to the returns made by the India Office on this head, I may remind your Lordships, that in 1844, by order of the noble Earl, then Governor General, 40 lacs, or £400,000 of transit duties were repealed in the Madras Presidency, for relief to commerce; and in 1845 the Court of Directors sanctioned a sum of four lacs to be annually expended on the Trunk Roads of the Presidency, and it took three years to get the road establishment into working order. The second and third class roads are under the management of the different collectors, through whose districts they pass. In some districts they are very good: their state depends on the taste of the collectors for making roads, as no fixed allowance is sanctioned by Government for that purpose. From the year 1848 the returns commence, which show that up to 1859, 654 miles of first class roads, 3,709 miles of second and third class roads, and 502 miles of navigable canal, have been opened for traffic in the Madras Presidency, being in all, 4,905 miles of land and water carriage communication, at an expense of 1 croze and 14 lacs, or in English money £1,140,000 sterling; and the Governor General has lately sanctioned the expenditure of such sums of money in the different Presidencies as may be necessary to keep the district roads in fair order. These roads in the cotton districts, which in many cases are near the sea, have all been made with a reference to the convenience of traffic between the fields of production and the trunk road and railroad leading to the sea. In Bombay and Scinde, since 1848, of first, second, and third class roads and navigable canals, 6,896 miles have been opened for traffic. So that in the two Presidencies 11,801 miles of commuication have been opened since 1847. Your Lordships must remember that the material for making roads is difficult to be obtained in a champagne country, and it has generally to be brought from a considerable distance, which very much enhances its price. From what I hear of the roads in Bombay and Madras, they are in very fair condition—very much improved of late years—and the authorities are quite alive to the absolute necessity of continuing their exertions in the same direction, for affording facility of transit to commerce. I now turn to the railroads which are under construction,—if I look to the southern point of India, on the maps published by orders of the House of Commons, showing the course of the trunk railways in that country, I find one from Negapatam to Palamacotah, leading through the centre of Maduva and the east side of Tumevella, both cotton districts, each having a terminus on the sea coast. From Madras a railroad will be opened to Calicut, on the west coast, at the end of this year, which will pass through the centre of the Coimbatore cotton district. Another railroad from Bombay to Madras will pass through the cotton district of Sholapoor, the border of the Douale of Raichore, through Bellary, Caddapah, and the south end of Kurnoul, having a seaport at each terminus. The district of North Canava has been handed over to the Presidency of Bombay, and is about to have a second road made down the Coompta Ghaut to connect the cotton district of Dharwar with Shedashagur, the new sea port for the convenience of trade. From Bombay a railroad is to connect that port with Allahabad, on the great line of railroad leading from Calcutta to Lahore. It will pass through Candeish by Nursevabad and Tubblepoor round the north-west side of the Berar cotton country. A branch is to lead from Nursevabad to Nagpore, which will pass Oomroutee, the principal market for cotton in the north district of that far-famed valley for growing a superior quality of cotton, which is in extent of area four times the size of Ireland. The principal portion of the valley of Berar has no prospect of a railroad being carried through it. But the river Godavery, with its tributary streams, the Wurdah and Poornah, traverses those parts at a distance from railroad communication, and they only require the hand of the engineer to make them permanently navigable. Their eligibility for purposes of navigation has been pointed out by that eminent pioneer, Sir Arthur Cotton, whose time and thoughts have so long been engaged in laying down plans for improving the irrigation and navigation of the rivers in different parts of India, and recorded by Captain Haig, an officer of engineers, well known for his experience and ingenuity in making rivers useful for purposes of navigation and irrigation, who has made surveys of the river and who has pointed out all the difficulties to be overcome in the bed of the Godavery. This officer has examined the rivers in America as well as in Europe, and reports that there are fewer difficulties in the Godavery than in many of the rivers to which his report refers in these parts. His report has been considered by the Governor in Council of the Madras Presidency, and has met with his highest approbation and recommendation to the Supreme Government of India to carry out Captain Haig's report. The resident of the Nizam at Hyderabad, Colonel Davidson, who is well acquainted with the Nagpore portion of the valley of Berar, as well as that which forms a part of the Nizam's territory, observes that the impetus which will be given to trade when the navigation of the Godavery is opened out will invite capital, and that population invariably follows is known to be an unerring law. We may, therefore, reasonably look forward to a large extent of waste land at no very distant period being brought under profitable cultivation. The Governor General in Council has all the information he can require to satisfy him on the advantage the manufacturers of cotton at Manchester and Glasgow would derive from the navigation of the Godavery being opened permanently. In a military and political point of view, statements and calculations on the economy of using the Godavery river for the conveyance of troops and stores in preference to the common road tracks of the country, have been submitted by the Madras Government to the Commander-in-Chief, the Inspector General of Ordnance, the Commissary General, the President at Hyderabad, and to the Commissioner of Nagpore, and the actual annual expense, so far as it can be represented in figures, now incurred in the conveyance of military stores to Hyderabad and Nagpore by the land route has been determined, and it is found to be about £18,350. The cost of transit of the above quantity of stores by the Godavery route would be £2,483; and the impression the above information appears to have produced on the mind of the Madras Governor is a thorough conviction of the desirableness of having the impediments to the navigation of the Godavery removed. He has, consequently, sanctioned three lacs, or £30,000, to be spent this year on that operation, four lacs in 1862, four more in 1864. The cause of his Excellency having limited the sum is said to be occasioned by the deranged state of the finances, in consequence of the mutiny. Now, my Lords, I must call to your recollection what I stated to be the grounds of the petition—

> "That your petitioners are greatly alarmed at the prospect of a serious diminution in the future supply of cotton in this country, in consequence of the civil war now raging between the Northern and Southern States of America."

And they point out that India possesses the capability of meeting the requirements of this country, not only as a source for the supply of cotton, but also as affording a market for the products of their industry. They further call attention to the advantage which must accrue to India, and to the cotton trade and commerce of this country, by the speedy opening of the navigation of the River Godavery. I believe the statement of the petitioners is founded on reasonable expectations. Is it necessary for me to remind your Lordships what would be the effect of four millions of our manufacturing population being put out of employment, should the alarming prospects of your petitioners be realized? and what prudent man would risk such an unfortunate state of things when it can be partially, if not wholly, remedied by the expenditure in time of so small a sum of money as that named by Captain Haig, to have the Godavery made navigable — an object so earnestly pointed out by your petitioners? I ask your Lordships whether it is not the duty of the Houses of Parliament to indemnify Her Majesty's Government under such circumstances, to raise a loan for the particular purpose of offering a cheap transit for cotton from the valley of Berar to the port of Covinga? The distance from Oomroutee by the railroad to Bombay is 470 miles. A ton of cotton going to Bombay must first ascend 2,000 feet to pass the Western Ghauts, and then descend 3,000 to the port, at a cost, according to the authority of the chief engineer of the Bombay and Nagpore line, of 2¾*d.* per ton per mile. Oomroutee, by the Wurdah and Godavery, including the contemplated canal to be made from Oomroutee to Natchengong, to which town the river navigation will be made complete, is a distance from Covinga of 530 miles, having a descent of 900 feet to that port; and Captain Haig, the engineer who has surveyed the river, calculated that when the arrangements which attend the opening of the river for navigation are complete, such as steamers, boats, &c., the cost of carriage on the Godavery of a ton of cotton per mile ought not to exceed half that on the American rivers, or from one to three pice, ⅛th to ⅜ths of a penny, per ton per mile during nine months of the year. If the manufacturers of England would gain so much by the cheap and speedy carriage of their cotton by the navigation of the Godavery being opened to Covinga, what inestimable advantages it would also afford to the Native cultivator to have a cheap transit for his hemp, oil, seeds, hides, and other agricultural produce to the sea port, which are now conveyed on the backs of bullocks, or on miserable country carts, over tracks not deserving the name of roads. We must not forget that salt would be conveyed into the interior of the country, as a return cargo, at so trifling a cost as would place it within the reach and means of the Native to purchase it as a substitute for the earth salt, which is now the cause of so much disease to those living at a distance from the sea. An additional benefit would also be afforded to our merchants by a cheap transit for their manufactures to the markets of the Nagpore, as well as the Hyderabad territories. The expense of effecting this great object of economy will be at a cost of £300,000 to open the river for purposes of navigation, and an equal sum of £300,000 for making it a permanent work. I have now touched on those points of the petition on which I am enabled to form an opinion, founded on such information as I possess. I shall conclude by reminding your Lordships that India holds a prominent position in the minds of our fellow-countrymen. It contains much within her territories that will make her a valuable acquisition to Great Britain. She is worthy of your Lordships' experience in the establishment of efficient courts of law, which will afford protection to the ryot as well as security to capital and the means of enforcing the just fulfilment of contracts, and if our merchants will create a permanent demand for her raw produce, in return she will afford an ample market for all kinds of our manufactures.

LORD HARRIS said, he gathered from the terms of the memorial presented by the noble Marquess that the object of the memorialists was to insure such measures by the Government as would give every encouragement to the outlay of capital. He believed that British capital would be expended in India with very fair prospect of a good return. As regards works of irrigation he knew, for the calculation had been made under his own direction, that the works in Tanjore had exceeded 100 per cent annual profit. On the Godavery returns had also been received, and he had known instances where the great Native proprietors would have been willing to advance money at 5 per cent to Government, to be expended in irrigation works by Government officers, on which a large profit could be made, but unfortunately the local Government had not the power to take up loans for such purposes. The memorialists alluded to a change in the tenure of land. He would most seriously deprecate any interference with the customs of the Natives, in that respect we had already received a severe lesson against arousing the fears and apprehensions of the Natives, and he knew no subject on which they were more jealous than that of the tenure of land. Much more had been done to facilitate communications than was generally supposed; the Government of India would have sanctioned more but for the pecuniary difficulties which the mutiny had entailed. He would not presume to enter upon the subject of the descriptions of cotton. He had no doubt that a large supply would be received, though probably not of the best sort.

Lord BROUGHAM was sure he only spoke the sentiments of every one of their Lordships when he offered to the noble Marquess his cordial thanks for the able and instructive statement he had made. He agreed with his noble Friend in thinking that the petitioners from Glasgow and Manchester, with a view to increase the supply of cotton from India, ought to send over persons duly authorized by them to make the cultivators sure of a market by making arrangements for the purchase of their goods. With respect to the deficiency that might be occasioned by those most lamentable and deplorable events that were taking place in the United States—if he could still call them the "United" States—there were many difficulties in the way of receiving cotton from the East Indies as a substitute for American cotton. The climate on the other side of the Atlantic was, in many respects, much superior to that of India for the production of cotton. Their Lordships were aware that what was called Sea Island cotton was, beyond all comparison, the best cotton that was produced, and that was, no doubt, the result of climate; for the production of that cotton required not merely a moist climate, but a mixture in the atmosphere of saline particles with the moisture. He understood that the samples of cotton which came from India brought about *5d.* a pound in the market, while cotton from America, and from those colonies to which he had called their Lordships' attention a few nights back, brought as much as *9d.*, *10d.*, *1s.*, and even *1s. 2d.* a pound. There was nothing more certain than the capacity of our own West India Colonies to produce the best sorts of cotton. In Jamaica alone there were, he would not say millions, but hundreds of thousands of acres fit for the cultivation of the best quality of cotton, while there was a sufficient supply of hands among the free people of colour. White people as well as these people had two objections to work on the sugar plantations. In the first place, the labour under the sun of the country was too severe for whites; and, in the next, free people of colour had the natural objection to it that it was slaves' work. There had been efforts made in other colonies—in Trinidad and Demerara, for instance—to increase the number of hands, and this had led to the doubtful policy of advancing large sums of money for the purpose of encouraging immigration, which sums of money were advanced by way of loan, the interest to be paid by the planters. No doubt, there were objections to this system of immigration, and it ought not, on any account, to be allowed to take place in any colony where there was not an absolute want of hands. In Jamaica he might say, from information he had received, that the number of hands was almost unlimited, at least as regarded cotton lands. The same observation applied to Demerara and Trinidad. There was no difficulty in obtaining a sufficient number of hands for the cultivation of cotton in those colonies, and he believed that as much cotton could be obtained from them as would supply the utmost probable—he would not say possible—deficiency likely to arise from the deplorable state of things in the United States. The supply of cotton from India at present did not amount to more than a ninth or tenth part of the quantity that came from America; but there would be no difficulty in obtaining from our West Indian Colonies, or from the growing source of supply on the African coast, as much cotton as would make up for any deficiency that might arise in the supply from the United States.

Lord Harris

THE EARL OF ELLENBOROUGH :—My Lords, it is quite impossible to overrate the importance of the question to which my noble Friend the noble Marquess (the Marquess of Tweeddale) has called our attention; and I must express, as my noble and learned Friend (Lord Brougham) has done, my deepest thanks to him for the statement he has made. I think the House cannot but be grateful to the noble Marquess for the attention he has paid to this subject and for the speech he has favoured us with—a speech full of valuable information, which it would be extremely difficult to obtain from any number of blue books, but which my noble Friend has placed before your Lordships in a most useful and instructive manner. To a very large portion of the population of this country cotton is food—it can be regarded in no other light—and if the supply were seriously reduced, the reduction would affect, not one, but every interest in the country. It would affect our commerce all over the world; it would greatly diminish our exports; it would greatly diminish our facilities of obtaining the means of support, and altogether impair the strength of our resources. Feeling this, and not entertaining all the sanguine views which my noble and learned Friend has expressed with reference to probable large arrivals of cotton from our West Indian colonies, I confess I feel deep alarm at the state of things on the continent of America. I am aware that certain measures are suggested by the petitioners with the view of obtaining supplies from other sources. It may be good and prudent to adopt those measures, but not one of them meets the emergency; and, therefore, what I should wish to know from Her Majesty's Government is, whether they have any plans in view—and, if so, what they are—to meet the difficulty which has come upon us? That difficulty is not one which has come on gradually, and which could have been perceived from year to year; it is a pressure that has come on us suddenly; and I am sure I only give expression to that which must be in the minds of all your Lordships when I venture to observe that if there be any measures—no matter what they may be, or how much they may interfere with our ordinary rules of action—by which we can meet the emergency, it is our duty to adopt them. No doubt successive Governments and successive Governor Generals have done a great deal to improve the cultivation of cotton in India. I wish I could say that they have accomplished what we must all wish to have been the result. But there can be no doubt that they have proved this—that under favourable circumstances India can produce, though not in very large quantities, cotton equal to the best cotton from America. I will further observe that, having considered this matter so long back as twenty years ago, I still adhere to an opinion which I have for a considerable time entertained—namely, that the cotton which succeeds best in India is the indigenous cotton well cultivated. That succeeds better than any imported from abroad. No doubt it is of short staple, and not, perhaps, fit for the superior purposes to which some cotton is in this country applied. Many of our merchants are desirous of colonizing India, and getting possession of large quantities of land there for the purposes of cultivation; but owing to the system under which property is distributed in India it is impossible, without violating existing rights, to get possession of any considerable portion of the land; and we must not, to accommodate these persons, destroy the rights of the Natives. But I should think that, of all things, the most imprudent which any capitalist adventuring his money in India in the purchase of cotton could do would be to attempt to get possession of a large quantity of land in India for the purpose of planting and cultivating it. The safest thing for any person to do is to turn his capital as often as he can, to keep it in his own hands, to have no fixed place of residence, to use as much as possible the agency of the Natives, to buy what he can and to sell how he can. No doubt the Governors have at different times done as much as they could; but they have not been assisted to the extent they ought to have been—indeed, I do not know that they have been assisted at all—by the merchants of England. The only thing that can facilitate the continuous production of cotton in India is a continuous demand for it; and that demand has never been afforded. It is, therefore, a little too hard to throw the blame on the different Governments, and to expect that they should have brought about a state of things by which an enormous quantity of the raw material of our most important manufacture should have been ready to meet the demand arising from the present emergency. I think it obvious that that would have been impossible. I must say, too, that, looking at the state of things now existing in Bengal and Behar—when I see that the Anglo-Saxons, where they have occupied land to a great extent and existed as cultivators for a considerable number of years—unfortunately, perhaps, as a result of their occupation, and perhaps unwittingly, have led to a state of things by which the most tranquil and peaceable part of our Indian dominions has been brought to the verge of a general aggrarian insurrection—going not merely to the length of the non-performance of civil contracts, but to the extent of a refusal to pay rent for land—a state of things which was never heard of in that country before—when I see that in order to protect the interests of those planters it has been thought necessary to move large bodies of troops and battalions of armed police, and to pass an Act to make the non-performance of a civil contract a criminal offence ; when I see these things, I confess I cannot say that this is the most favourable time at which gentlemen could ask Parliament to make arrangements for the first time for their introduction, as planters, into India. When at Allahabad, I recollect seeing near the cutcherry of the Commissioner a small plot of ground, not exceeding one or two acres, on which, like a sensible man, he had resolved to show the Natives the difference between their own mode of cultivation of cotton, and the improved method employed in the United States of America. One half of the land was devoted to the old system, and the other half to the new. Any one who went on the ground would in a moment see the enormous difference in the produce. This was not affected by the application of machinery, or by any extraordinary amount of labour, but by the more instructed application of labour. Having left the little field the visitor entered a small building, containing only two rooms, into one of which the cotton was conveyed to be cleansed, and into the other of which it was conveyed when cleansed. The visitor saw the article in its dirty state in one room ; but in the other he was overwhelmed with flakes of the most beautiful snow. That little field and those little rooms told the whole history of the present difficulties and of the future prosperity of India in regard to the cotton cultivation. I recollect that there were Americans there who had superintended the cotton plantations, and they all concurred with me in opinion that if the Government could only do in other places, where cotton was cultivated, what that gentleman had done in that place at his own expense, an example and instruction would be given which could not fail to have a most important effect upon the produce. At Allahabad the thing was done; an example was set, instruction was given with that example, and the result was advantageous. I ventured to suggest to the Court of Directors that the plan was worthy of imitation ; but, certainly, my suggestion was not very favourably received ; and when, in addition, I suggested that the great object of England should be to make herself independent of America for the supply of cotton, and that India could furnish the largest portion of what was required—it being a matter of comparatively small importance whether it was found in the territories of our allies or in our own — I was met with a sneer. Within three weeks after I went to the Board of Control, in 1828, I addressed the Court of Directors upon the subject of the cultivation of cotton, and since that time I have felt the deepest interest in the endeavours which have been made to render our country independent of the United States for the supply of the raw material of our most important manufacture. My Lords, I fear that it is not to a present emergency only that we have to look. I confess that I cannot look forward with any degree of hope to the early re-establishment in the United States of a state of things which would enable us to calculate with confidence on drawing the same, or anything like the same, supply of cotton that we have hitherto obtained from that quarter. We must, I take it, be prepared for a state of things which will oblige us to depend mainly on India, but also on other countries, for that supply of cotton which is essential to the commerce of this Empire, and, therefore, I await with great anxiety to hear what the noble Earl the Under Secretary for India may tell us as to the intentions of Her Majesty's Government on a subject of such national importance.

Earl DE GREY and RIPON said, he entirely agreed in the opinion expressed by the noble Lord who had previously addressed the House, as to the great importance of this subject, and he also concurred in thanking the noble Marquess (the Marquess of Tweeddale) for the important remarks which his experience had suggested. It was impossible to over-estimate at the present moment the importance of any question connected with the supply of cotton to this country, and, therefore, it was not surprising that the noble Marquess should have introduced the matter. He was happy to be able to say that there was on the part of Her Majesty's Government a general concurrence with the views of the noble Marquess. He was not, however, able to agree entirely in what he understood to be the prayer of the petition. The noble Earl who had just sat down (the Earl of Ellenborough) had asked whether Her Majesty's Government were about to adopt any special measures for the purpose of meeting the emergency which had arisen in consequence of the lamentable state of things that existed at the present time in our great cotton market, the United States? but he did not gather the nature of the measure he wished, or in what direction he thought Her Majesty's Government ought to advance to meet the difficulty.

The Earl of ELLENBOROUGH said, he had proposed before, and he now suggested again, that there should be repeated by the Government everywhere where the Natives were employed in the cultivation of cotton the same teaching and example which he had just described as having been set by the enterprise of a private gentleman at Allahabad.

Earl DE GREY and RIPON said, he had not understood the noble Earl to refer to that instance as a special measure to be adopted in the present crisis ; but he would notice that point presently. With respect to measures of a wider and a more extensive nature, he was glad to find from the speech of the noble Earl that he was not inclined to add the weight of his high authority to one part of the prayer of the petitioners which related to the question of the land tenure in India. On behalf of the Government, he had no hesitation in saying that the Government in this country and in India were anxious and willing to afford every means consistent with the safety of the great source of Indian revenue, and with a due respect to the rights of the present occupiers of land in that country for the acquirement and occupation by Europeans of land in India. His own individual opinion agreed with that of the noble Earl that the best course for capitalists to take to promote the cotton supply from India would not be to get large tracts of land into their own hands. At the same time, it must not be inferred that the Government were unwilling to see Englishmen settle in India, in order to cultivate cotton. On the contrary, as far as cotton could be grown profitably, the cultivation of it by Europeans would be a benefit both to the Natives and to this country. When, however, the Government was asked to give facilities for the purchase of the fee simple of land in India —he supposed it was meant that the land should be put up for sale at an upset price, and that when once purchased it should be for the future free from all charges of land revenue—it would be unbecoming for him to attempt to add anything to the remarks of the noble Baron (Lord Harris). Whatever fell from the noble Baron was entitled to the highest consideration from their Lordships, not only from his intimate knowledge of the Madras Presidency, but from the great attention he had paid to this particular subject, and the beneficial and important changes which had been introduced under his auspices. Nothing, therefore, which fell from him (Earl de Grey) could add to the force of the noble Baron's remarks. He (Earl de Grey) would only add that the Government were not prepared to take a course which they believed would endanger a great source of Indian revenue, and interfere with the just rights of the ryots, who were not the mere tenants-at-will of the Government. He would proceed to consider the measure suggested by the noble Earl (the Earl of Ellenborough). The noble Earl, in speaking of the results which in certain districts had attended the actual cultivation of indigo —results which he believed did not exist in the indigo districts elsewhere—said that amongst other measures had been the establishment of a law for making contracts penally enforcible.

The Earl of ELLENBOROUGH: I said that such a law did once exist.

Earl DE GREY and RIPON said, that that was so. The present Bill relating to the same subject had not yet passed. The second reading, as the noble Earl was, no doubt, aware, was suspended for the present. He then came to the consideration of the measure which had been suggested by the noble Earl, and he did not deny that it was most important to have in each cotton district the means of showing to the ryots what description of cotton would suit the English market, the best manner of cultivation, and the best mode of preparing it. But it appeared to him that upon all sound economical principles it was more desirable that such information should be conveyed to the ryots through the means of those who required the supply of cotton than by the establishment of Government model farms in every district in India. Such establishments could not be nearly so well conducted, or be so satisfactorily adapted to express the wants of the English market, as those which were established expressly by those who were directly interested. He must say it did appear to him one of the most important steps which could be taken at the present moment by those who were interested in the growth of cotton, that they should themselves send out agents to the country, who should go into the districts, communicate directly with the cultivators, and explain to them the requirements of the market in England, without the intervention of the present series of middle men, in the hands of every one of whom the crop was subject to deterioration. He trusted that steps of that kind were likely to be adopted; but those duties devolved properly on those who were purchasers of cotton. There were other things which required to be done. One of the most important of these, which had been adverted to by the noble Marquess, was the increased facility of communication with the interior. With regard to this point he had to state that, in spite of the financial difficulties in which India was now involved, it was not the intention of Her Majesty's Government to suspend the carrying out of those important branches of communication, the railways. It was thought necessary that those works should be brought as speedily as possible to completion. The noble Marquess, however, spoke not only of railways, but of another most important means of communication; he meant that which would be afforded by the river Godavery, if the navigation were improved and made available for the conveyance of cotton to the sea. Certain sums had been already voted by the Government of India for the carrying out of these works; and that very day a despatch had been received from the Madras Presidency stating that it was intended to apply, during the remaining portion of the then financial year, the whole of the sums that had been voted for the improvement of the Godavery. The petitioners suggested that Government should call for a loan to complete those great undertakings; but their Lordships must bear in mind the large demands that would be made this year upon the money market for the completion of railways in India. It was impossible for him then to enter into details, as the Secretary of State for India had given notice that on Monday he should make a statement upon that subject, and he would not anticipate him. He could only say that, however willing and anxious Her Majesty's Government might be to complete the scheme, it was very doubtful whether, looking at the sums which the right hon. Gentleman might have to obtain from the money market for the completion of railways, either by direct loans, or through the railways themselves, the Government would be able to raise an additional sum for that purpose. He understood from a casual observation that fell from the noble Marquess, that, besides land tenure in India and facilities of communication, one other point was alluded to by the petitioners—namely, the extension of civil courts, the improvement of procedure in India, and the enactment of some such law as that very measure which the noble Earl had condemned so strongly. With regard to the extension of civil courts in India, there was every disposition on the part of the Government to extend them whenever the case would justify such a measure; as the necessity arose they would be extended. With regard to procedure, undoubtedly there had been the very great evil of delay; but the code of civil procedure passed in 1859 had now come into operation, and from the reports received he believed it would be found that the results were most important and satisfactory. He trusted this would remove a large portion of the objections which had been urged by the petitioners, and which he believed applied more to the former than to the present state of things. He did not think there was any other point alluded to in the course of the debate on which it was necessary for him to offer any explanations. With regard to measures taken by the Government for dealing with this emergency he could only say that every effort would be made, consistently with the urgent demands of Indian finance, to open communications and increase facilities for bringing cotton from the cotton districts to the coast. But in dealing with questions affecting the finance of India they must not overlook what was due to that country from which the Indian revenues were raised; and it was their bounden duty to bring the finances of India at the earliest possible period into a sound and satisfactory position. He could at the same time assure the noble Marquess, and those in whose behalf he had presented this petition, that the Government were fully sensible of the vast importance of the question to which he had called the attention of their Lordships. The constant attention of his right hon. Friend was devoted to it, and whatever could be done, consistently with sound principles and with what was due to the Natives of India, would be done to facilitate the supply of cotton from India to this country.

THE EARL OF ELLENBOROUGH: The simple plan I suggested was this—to teach the people of India generally in the cotton districts how, by the same amount of labour, better applied, they may raise much cotton instead of little, and good instead of bad, and afford them the means of cleaning their cotton—as essential as their raising it. That measure, if adopted, possesses the advantage, which no other offers; it affects the very next crop; it may nearly double the quantity of usable cotton produced next season. I ask this as food for the people, and the noble Earl gives me a small piece of political economy. My Lords, I see, and I regret to see, in the speech of the noble Earl the proof that Her Majesty's Government do not comprehend the extent of the danger with which we are threatened, and that they are not prepared to meet, as they ought, the emergency that has arisen.

House adjourned at half-past Seven o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, May 31, 1861.

MINUTES.] PUBLIC BILLS—1° Lace Factories.
2° Poor Assessment (Scotland).
3° Consolidated Fund (£10,000,000); Reformatory Schools (Scotland).

THAMES EMBANKMENT BILL.

EXPLANATION.

MR. COWPER said, he wished to explain a remark that fell from him on Tuesday evening with respect to the Thames Embankment Bill. He had stated that the Bill was promoted by the London, Dover, and Chatham Railway Company. This he found was a mistake. The Company had working powers under the Act, and their terminus was one of the termini of the Embankment Bill. But the measure was promoted by a separate Company, quite independent of any Railway.

POST OFFICE GRIEVANCES.

QUESTION.

SIR GEORGE BOWYER said, he would beg to ask Mr. Chancellor of the Exchequer, When the Post Office Report will be laid before Parliament, and what Her Majesty's Government are prepared to do for the redress of grievances in the Post Office?

THE CHANCELLOR OF THE EXCHEQUER said, that not only one Report, but several Papers relating to the internal administration of the Metropolitan Post Office were now under the consideration of the Government, involving a great many details with regard to the different classes of persons in that Department and their relations to one another. With regard to laying these Papers before Parliament, he was unable to give any answer to the hon. and learned Baronet, but he hoped very shortly to be in a condition to make known to the House the decision to which Her Majesty's Government would come upon the subjects embraced in these Papers.

THE INDIAN NAVY.—QUESTION.

SIR GEORGE BOWYER said, he would now beg to ask the Secretary of State for India, If any decision has been arrived at with regard to the future of the Indian Navy; and if so, when it will be made known? Has the Report of the Civil Finance Commission (recommending a wholesale reduction of the Indian Navy on economical grounds) been received by Government; and if it is their intention to adopt the Report? If a reduction or abolition of the Service is contemplated, what course is it the intention of Government to pursue with regard to the Officers?

SIR CHARLES WOOD said, in answer to the question of the hon. Baronet, that he had only to state that no decision had been arrived at with regard to the future of the Indian Navy, and, therefore, he could not say when it would be made known. It was true that the Report of the Civil Finance Commission in India, or rather a despatch from the Governor General of India, recommending a large reduction of the Indian Navy on economical grounds had been received by the Government, and would be brought under the consideration of the Secretary of State for India in Council. He could not then state what the intention of the Government might be with regard to it.

SIR GEORGE BOWYER said, that the right hon. Gentleman had omitted to state what course the Government intended to pursue with regard to the Officers of the service.

SIR CHARLES WOOD said, his hon. and learned Friend would understand, when he stated that the subject would be brought under his consideration as Secretary of State for India in Council, that it was impossible for him then to say what his determination ultimately might be.

FRESCOES IN THE HOUSES OF PARLIAMENT.—QUESTION.

MR. CAVENDISH BENTINCK said, he wished to ask the first Commissioner of Works, Whether he has been informed that the frescoes in the Houses of Parliament are showing symptoms of decay; and, if so, whether he will institute proper inquiries to ascertain the cause of such decay?

MR. COWPER said, that the frescoes both in the corridor of the House of Commons and the House of Lords were in a perfect condition; but any hon. Member who looked at the frescoes in the upper hall would see that there were upon those frescoes some symptoms of discoloration. In two of those frescoes, especially, there were some places where the colouring had faded, and others where it had come off in flakes. He had, however, no intention to institute any inquiry on the subject, because he thought it was very palpable what the cause of the decay arose from. It could not have arisen from the dampness of the wall, for there was a considerable interval between the plastering upon which the fresco was painted and the wall itself. But as those frescoes were the earliest painted in this country, and painted at a time when there was very little experience in the production of that sort of art, he thought it was evident that the failures that had occurred had arisen from a want of experience on the part of the painters as to the use of their colours, and as to their application of them. The defects, such as they were, were easily remedied, because frescoes had that advantage that it was very easy to get at any defective part, and insert new and fresh pieces.

NEW ZEALAND—NATIVE COUNCIL.
QUESTION.

MR. ADDERLEY said, he wished to ask the Under Secretary of State for the Colonies, Whether the Bill passed by the New Zealand Legislature for constituting a Native Council, differing in its relation to the Colonial Government, from the Bill of last Session, has received Her Majesty's assent and confirmation?

MR. CHICHESTER FORTESCUE said, his noble Friend the Colonial Secretary had announced in "another place" that he had invited Sir George Grey to place his services at the disposal of the Government as the Governor of New Zealand. His duty would be to bring to a conclusion, if possible, the unhappy war now raging, and, in the second place, to consider the whole question of native administration, putting it, if he could, upon a better footing for the future. Under these circumstances the Government, wishing to leave Sir George Grey free to deal with these questions, did not think it their duty at present to sanction the Bill alluded to by the hon. Gentleman, but would review the whole question when it was reported upon by Sir George Grey.

CHURCH ESTATES IN THE DIOCESE OF WORCESTER.—QUESTION.

MR. G. HARDY said, he wished to ask the hon. Member for Kilmarnock, Why Lessees of Church Estates within the diocese of Worcester who had made contracts for the enfranchisement of their Leaseholds prior to the late avoidance of that see, and hold the money ready for that purpose, are delayed in the completion of those contracts for want of the usual Order in Council; whether the delay in issuing such order arises from any conflict of opinion upon the meaning of the existing Law; and, if so, whether any legislative measure is contemplated to relieve, as soon as possible, such Lessees from their difficulties?

MR. E. P. BOUVERIE said, the Bishop of Worcester, who died a few months ago, was empowered under certain Acts of Parliament, with the consent of the Church Estates Commissioners, to enfranchise the leaseholds held under his see. Previous to his death some forty-five agreements for enfranchisement were entered into by him with the consent of the Commissioners, and property to the amount of £80,000 or £100,000 was thus waiting for the completion of the sale to the lessees. By an Act passed last year upon the death of the late Bishop his estates as Bishop were vested in the Church Commissioners, and it remained for them in the performance of their duty to complete the sale to the purchasers in all these cases. They accordingly prepared a scheme for an Order in Council empowering the Commissioners to sell the estates of the Bishop which were so vested in them. To that scheme, however, objection was taken in the Council Office on the advice of the Law Officers of the Crown. He understood that they advised the President of the Council that a scheme for a general Order for the sale of all the estates of a See was contrary to law, and could not be sanctioned by the Queen in Council, and that the proceedings so far taken were useless and invalid. Now, he was told that upwards of 200 Orders in Council of this nature had been passed during the last twelve years for the sale of estates in bulk, thus enabling the Commissioners to sell the estates in parcels to the various lessees. Property to the amount of about £5,000,000 sterling had been sold under these Orders, and no objection had ever been taken to the validity of those Orders by the astute gentlemen the conveyancers of Lincoln's Inn, who had been consulted by the purchasers in these various cases. Now for the first time, however, this objection was taken, and the practical result would be that, as suggested by the Law Officers of the Crown, in every sale of the reversion of a church estate, were it small or great, a separate scheme must be submitted to the Privy Council for the sanction of the Queen in Council. One consequence of this was very important. Each scheme was submitted to the Law Officers of the Crown, and on each a fee was charged by them. He was assured that if this view of the law had been taken in the first instance, and if this rule had been insisted upon with respect to the 200 Orders in Council which had been passed, affecting the sale of no fewer than 1,300 different estates, the Law Officers of the Crown within the last twelve years, for simply saying whether an Order in Council was in conformity with the Act of Parliament or not, would have received a sum of not less than £32,000. The Commissioners, he need hardly say, had no interest except to facilitate the purchase of the reversion by the lessees, and had been only anxious to discharge the duties cast upon them by the Act of Parliament. This objection, now started for the first time by the Law Officers, had brought the sale of these estates to a dead lock, and unless it were removed, or unless an Act of Parliament were passed, there would be really an end of the practical functions of the Church Commissioners with respect to the sale of the reversions of episcopal and capitular estates.

SUPPLY.

Order for Committee of Supply read.

On Motion that the House do go into Committee of Supply—

THE WHITWORTH AND ENFIELD RIFLES.

OBSERVATIONS.

Sir FREDERIC SMITH said, he rose to call attention to the Report of the Committee of 1858 on the comparative merits of the Enfield and Whitworth rifles, and to ask whether any subsequent steps had been taken to determine the relative superiority of these two arms? Experiments were carried on during the years 1857 and 1858, and the Committee recommended that the inquiry should be pursued, in order that the country might know which was the best arm. The Committee made a Report in 1858, but almost every member who signed it appended to it a statement showing that differed from it in some important particulars. One member gave an opinion in favour of the Whitworth; another officer of equal intelligence and experience thought the Enfield the superior arm. In the meantime the House was called on to vote large sums of money annually for Enfield rifles without having any assurance that it was the best, and that they would not be called on at some future time to substitute for them some other and superior weapon. In the face of the contradictory statements of the officers of the Committee he hoped the hon. Gentleman the Under Secretary for War would state to the House whether any further inquiry would be made on the subject?

THE GALWAY CONTRACT.

EXPLANATION.

Mr. ESMONDE: Sir, I rise to detain the House for a very few minutes on a matter in some degree personal to myself. In the course of the debate of last evening, the noble Lord the Secretary for Foreign Affairs alluded to a transaction which he said affected the honour and the character of the Government. At the time I was under the impression—and there were many Irish Members who agreed with me—that there was another class of persons whose character and honour were also affected, and I, therefore, communicated with my noble friend the Member for the town of Galway (Lord Dunkellin), who was one of the persons most prominently interested in the transaction; and, in common with many others of the Irish Members, I requested of him to rise for the purpose of removing the impression which must have remained upon the Committee. The noble Lord, however, was not sufficiently fortunate in catching the eye of Mr. Massey, and, therefore, the Committee went to a division very unfavourably impressed with reference to the Irish Members. At a subsequent period the noble Lord at the head of the Government gave an account of the transaction, which, when informed of it—for I was not present at the time—filled me with surprise. The noble Lord gave an account of the meeting which took place between himself and a reverend gentleman. Now, for my part, I rise to vindicate my personal honour, as well as the honour of several other Members for Ireland, who have requested me to do so, and to declare that the rev. gentleman was totally unauthorized to make the statement which he did. If any such a proposition as the noble Lord describes was made, I cannot find that he had any authority for it—it was a most unwarranted and impertinent interference. I shall not detain the House by dilating on these circumstances, but I am sure hon. Gentlemen can well imagine that our feelings must have been hurt by what has taken place; and I am sure the House is aware that there are gentlemen in Ireland as well as in England. The noble Lord the Secretary for Foreign Affairs said he alluded to the matter because it had been commented on by a paper that was universally read. It must be remembered, however, that that paper is not very friendly to Ireland; and this very day there is another insulting article in it on the subject. I am obliged to the House for allowing me to make this personal explanation, and I trust that for the future, though, of course, the noble Lord could only speak according to the information given to him, such accusations as these will not be believed without strict inquiry.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

AFFAIRS OF CHINA.

ADDRESS MOVED.

MR. DUNLOP said, he rose to move that an Address be presented to Her Majesty on the subject of the neutrality to be observed towards the two contending parties in China. He trusted hon. Gentlemen opposite would regard his Motion with favour, as it tended to the object, so often urged during the late debate on the Budget of cheapening tea to the lower classes, though, perhaps, in a different way from what they recommended. The House had lately received much valuable information on the subject to which he wished to direct the attention of the House, from the mercantile expedition that had proceeded with Admiral Hope up the Yang-tse-Kiang, that mighty river which ran into the heart of China; and from the reports of these merchants they might judge of the extent to which commerce could be carried on. But that river was occupied on both banks, from Chin-Kiang to near Han-Kow, by the insurgents; so that if we were to carry on a trade at all there, we must either be on friendly terms with them, or we must maintain a strong naval force at various points. All the information we had on the subject of the insurgents was derived from Mr. Oliphant's account and blue books, which were for the most part derived from the same sources, and he did not think that they furnished all the information which ought to be laid before the House. His confidence in blue books had not at all been strengthened by the lax manner in which, on the debate on the Affghan papers, the two noble Lords on the Treasury bench justified the liberties taken with public documents before they were produced to the House. There were strong proofs in this China blue book that the practices then justified had not been given up. In a despatch to the Earl of Malmesbury, dated November 5, 1858, the Earl of Elgin said—

> "Your Lordship, perhaps, remembers that on the eve of the day on which the Treaty of Tientsin was signed I received a communication from the Chinese Commissioners to the effect that they would lose their heads if they agreed to allow British subjects to travel freely through the country for the purposes of trade."

It was clear from the expression, "your Lordship perhaps remembers," that the Earl of Elgin had informed the Earl of Malmesbury of the circumstance here referred to which indicated that these Commissioners had agreed to the stipulations in question that the treaty was concluded without the sanction of the Emperor, although on looking through the papers he could not find a word about such an important statement; and under these circumstances they could not rely with perfect confidence on the whole case being before them. But still there was enough to show that the professions of neutrality with respect to the rebels by our representatives in China were not maintained. The Taepings had waged war successfully with the Emperor of China for a long time, and were as much entitled to be recognized as belligerents as the Secession States of America. The Earl of Elgin, indeed, had ultimately given directions that while our vessels of war had occasion to approach the Taeping forts or cities they should give notice, but previously on two occasions in making an expedition up the Yang-tse-Kiang, he himself, gave no notice to them, and when shots were fired to warn our ships we bombarded their forts, and assisted indirectly their enemies, the Imperialists. There might have been an excuse for our proceedings at Shanghai, in the protection demanded by our commercial interests, but the Earl of Elgin had abandoned that ground by claiming credit with the Emperor for acting hostilely to the Taepings. In point of fact, at the present moment a British force at Shanghai was doing service for the Imperial Government and receiving pay for it. Mr. Bruce stated, in one of his letters last year, that the cost of the garrisons would be defrayed by the Chinese authorities, and he added, "I think it well to assert firmly the principle that they shall pay for the assistance which we give them." We had maintained the great importance of keeping up our *prestige* in China; but here were British authorities by a voluntary act placing it in the power of the Emperor of China to point to our Queen as one of his vassals, providing troops for the defence of China, and receiving pay from him as if she were a vassal sovereign. Nothing, in his opinion, could be more inconsistent with the whole course of our policy or with the idea of our observing neutrality. There had, also, been civil as well as military violations of neutrality. By a notification dated in August, 1860, and issued by the British Consul at Shanghai, British subjects were warned not to hold any intercourse with the insurgents, and were told that to do so would be a violation of international law. The same principle had certainly not been applied to the Secession States of America, and British subjects had not been warned against holding intercourse with South Carolina. He did not ask that traders should be allowed to supply munitions of war to the Taepings or Imperialists. All he said was that they ought to be both treated alike. By the recent regulations, even which were much more favourable, in addition to the certificate of the Chinese Custom-house, a trader was obliged to procure a pass from the British Consul, which was granted only on the condition that the bearer should not visit any of the cities occupied by the insurgents. That, he held, was not neutrality, but a prohibition of all commerce on the part of British merchants with the insurgents. That state of things had been somewhat modified by later regulations, which at least implied that British vessels might visit insurgent ports, though conditions were still imposed calculated to restrict trade and to give rise to frequent differences and collisions. No British vessel was allowed to pass up the Yang-tse-Kiang without having first cleared the Custom-house of the Emperor being obliged to enter a port in his possession for that purpose, and if it did not so clear it was declared liable to confiscation. Now, both Customs' duties and transit duties for internal traffic were included in the duties so paid, and if a British vessel sailed from this country or Hong Kong or Calcutta for Nankin it would first have to pay full duties to the Emperor, and then must pay over again to the Taepings on entering Nankin, or give occasion to a quarrel and collision with them by refusing; necessitating, of course, the keeping a British vessel of war at every port where our ships might enter for trade and where a collision was risked. He observed that the post of Chief Superintendent of the Chinese Customs had been offered to an officer in our service; but he did not know whether or not the offer had been accepted. He could not but regard it as very unfortunate that, under present circumstances, we should assume any charge over the Customs, or identify ourselves with the Imperial party. We ought to make an amicable arrangement with the insurgents, in order that we might not be obliged to keep a vessel of war in every port of the river where they had a post. The Taepings had shown throughout a most earnest desire to establish friendly relations with foreigners. He did not seek to justify any of the outrages of which they had been guilty, but he must say that nothing could be proved against them one-tenth so bad as the butcheries of Commissioner Yeh, or the atrocious treachery to which our unhappy officers were exposed at Pekin, when they fell into the hands of the Tartars. It was only that day that he read in a Chinese newspaper that an Imperial regiment, when setting out—not on a war expedition, but merely to train some villagers in military exercises—sacrificed a human being at one of the gates of Shanghai, with every solemnity, in the presence of the district magistrate, and then smeared their colours with the blood of the victim. He trusted that the House would support his views, and treat both parties with impartiality. If he received from the noble Lord an assurance that a policy of non-intervention would be pursued in China he should be happy to withdraw his Motion. The hon. and learned Gentleman concluded by moving the Resolution of which he had given notice.

Amendment proposed,

> " To leave out from the word 'That' to the end of the Question, in order to add the words 'an humble Address be presented to Her Majesty, praying, that She will be graciously pleased to instruct Her Representative in China, in the exercise of an impartial neutrality between the two contending parties in that Empire, to afford to British subjects equal facilities for commercial intercourse with both, and to seek to maintain a friendly understanding, for the purposes of trade, not only with the Imperial Government, but also with the de facto Rulers of Provinces which Her Majesty's subjects have occasion to trade in, or to pass through, for commercial objects, so as to avoid all unnecessary risk of interruption of traffic or hostile collision,' "—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. BAXTER said, he rose to second the Motion. The state of our relations with China rendered the question of the highest importance, and, therefore, he was sorry to see so small an attendance of hon. Members. For his own part he held no strong opinions with regard to British policy in China; on the contrary, it had always appeared to him that there had been a little exaggeration on both sides as to the justice or the injustice of the course we had pursued in that country. But he must confess that after a calm and careful consideration of the papers which had been presented to the House, he had come to the conclusion that we were not pursuing a course of strict neutrality with regard to the contest which was going on in China; that there was a tendency on the part of some of our officials in that country to underrate and depreciate the power of the insurgents; and that, if that tendency were not checked by the noble Lord, there was great danger that we should speedily be engaged in another China war. The Taepings were commonly spoken of as mere robbers and freebooters, who roamed about the country committing murders and outrages, but who had no regular Government or settled position whatever. The real fact was that they occupied six of the richest and most productive provinces of China; and, as the noble Lord had recognized the belligerent rights of the Southern States of America, which had existed as a separate power only a few weeks, he did not see how he could refuse to recognize those of the Taepings, who had held a large portion of China for no less than eight years. Nor had the Taepings been guilty of any outrages so flagrant as those which had been committed by the Imperialists, who had murdered Captain Brabazon and Mr. De Norman, and had so shockingly illtreated Mr. Parkes and Mr. Loch. The leaders of the insurgents had translated nearly the whole, if not the whole, of the Christian Scriptures into the vernacular, and urged an open war against idolatry; and, as a proof of the superiority of their character and their favourable disposition towards foreigners, an American missionary had stated that the Canton men when they joined the insurgents, instead of continuing to insult and despise foreigners as they had been accustomed to do, became most respectful and accommodating towards strangers. He was afraid that Mr. Bruce, instead of showing neutrality, had taken a side in this matter, and certainly the Proclamation issued by our Chargé d'Affaires at Shanghai, forbidding British merchants to have any intercourse with the Taepings, the protection of Imperial junks by British ships of war, and the saving of Shanghai by the French and English troops savoured much more of partizanship than of neutrality. In the letters and papers received from China by the last mail there were frequent allusions to the well-known fact that we were doing all we could to bolster up the Tartar power. The *Overland Trade Report*, dated the 31st of March, 1861, commented upon the unseemly spectacle which had been presented by a British Minister in time of war adopting measures to the detriment of British trade to replenish the exchequer of the enemy. The communication which he had received from them stated that about 100 French troops and a war steamer were stationed at one point to prevent an attack of the rebels, but the country people, instead of manifesting alarm, remained quite passive and went about as usual. Thus it was clear that the French and English had both departed from neutrality by preventing the progress of a rebellion as to the issue of which the people themselves were perfectly indifferent. In the admirable work published by Mr. Alcock no passages were more interesting than his description of the ascent and descent of the Yang-tze-Kiang. A brilliant account was given of the scene which occurred when the British ships in chorus returned the fire directed at them from the shore, in the course of which the author made the following remark :—

> "It is seldom we experience emotions which unite in themselves the highest amount of æsthetic and animal excitement."

That might be very fine writing, but he put it to the House whether the policy adopted was one of strict neutrality. What were we doing in China? We were bolstering up an effete Tartar Power. He should like to know the opinions entertained of it by Russia, who was gradually extending her boundary. Our troops who went to Pekin were convinced that the influence of the Government there was on the wane; and we were consequently in danger of having a war on our hands, not with the Tartar Power, but with the Chinese people living along the river, who detested the Government at Pekin and resented our silly alliance with it. Had we left the people to themselves the war would long since have been put an end to; and his hon. Friend, if he could succeed in eliciting from the noble Lord the Foreign Secretary an assurance that by an alliance with the Tartar Government we should not be drawn into any act of hostility to the great party by which that Government was opposed, would have done something to promote the interests both of this country and of China.

LORD JOHN RUSSELL: Sir, I could have wished that my hon. Friend who made this Motion would have had the goodness to wait till some of the papers were laid on the table. My hon. Friend must have known very well that I had said when we received accounts from China they would be produced. We did receive papers some time ago stating that matters were in progress, but as they did not give distinct information I waited till more came, and I have since by command laid these papers upon the table. What I imagine is for the advantage of this House, of all persons engaged in trade, and for the interest of the country generally, is that we should know the actual state of affairs in China. The hon. Gentleman who made this Motion, and the hon. Member who seconded it, may be right or wrong as to what happened three years ago when the Earl of Elgin went up the Yang-tze-Kiang, but that is not the question now before the House. At present the state of things is totally different, and what is really interesting to us is to know their exact position. This is the case as it at present stands. The Earl of Elgin, having given directions that the part of the treaty which says that the River Yang-tze shall be opened for trade should be carried out, entered into a provisional arrangement with Prince Kung for that purpose; and Admiral Sir James Hope went up the river to Nankin and made an agreement with the Chief of the Taepings. The sixth article of the agreement says—

> "The Commander-in-Chief further expects that if your force has attacked any of the places at which British subjects may be settled or trading, British subjects will be unmolested both in person and property. On the other hand, the commanders of vessels stationed there will receive directions not to interfere in hostilities going on except for the purpose of protecting their countrymen, in case it should be necessary to do so."

Is not that neutrality? The Commander-in-Chief states that the British arms will be used to protect British persons and property. Is that wrong? He says at the same time there is to be no interference with any conquests which the Taepings may make. That is what I call neutrality, and that is the present state of affairs. With regard to the communication which the hon. Gentleman has received, I may state that it is very often the custom for persons abroad, who do not know exactly what the authorities are doing, to write home letters containing their conjectures of what is going on, and almost always blaming the authorities for acts of which they have not a very competent knowledge. Surely the papers produced here under the authority of Sir James Hope and others ought to be the more correct narrative of events referred to by my hon. Friend. My hon. Friend says, whatever faults or crimes the Taepings may be guilty of, the Imperialists are very much worse. Now, I am very much more neutral than the hon. Member. I never much admired the civilization, and still less the humanity of the Chinese. No doubt excesses and outrages against humanity are committed both by the Imperialists and the Taepings, and which is the worst I will not venture to say. Our business there certainly is to promote our own trade as much as possible, to endeavour to act a neutral part, and as far as our position admits to establish a friendly intercourse. The hon. Gentleman has spoken as if it was entirely the fault of British subjects and British agents that the civil war was not long ago put an end to. For my own part, I think a very large army would have been required for that purpose. These Taepings are a numerous body, and have got possession of several most important cities and provinces. In what way, then, is it possible for us to interfere so as either to put down the Tartar dynasty or to enable that dynasty to suppress this insurrection? I conceive that it is not our duty to do either one thing or the other. Sir James Hope observes—

> "Although a large body of rebels are said to be and probably are overrunning the country in different directions it is very questionable whether they are strong enough to eject the Tartar Government and to effect a change of dynasty, while, on the other hand, no reasonable prospect exists of the Imperial Government being able to put down the rebellion."

A civil war of indefinite duration seems, therefore, likely to continue, in the course of which the commercial towns of the empire will be destroyed and its most productive provinces laid waste. From all the accounts of the state of things, whatever may be said by the admirers of the Taepings or by the admirers of the Imperial dynasty, there are large bodies of men now carrying on a civil war. And many of the worst vagabonds and scoundrels in the country have joined one side or the other, not for the sake of the cause involved either way, but for the sake of plunder and what they can gain in the confusion. That is a great misfortune; but the course of the British authorities will be to preserve a neutral attitude, and endeavour to protect the persons and property of British subjects where they may be in danger. That is the course we have pursued in other countries, and I do not see why we should not pursue it in China. My hon. Friend seems to think that the Government might make some arrangement by which, when a ship comes to a Chinese port in the possession of the Imperialists, the duty should be paid in such a manner as that her owners should not afterwards be required to pay by the rebel forces, but that would be a very strong interference. The instructions given by Her Majesty's Government have been in all cases in approbation of the neutral course that has been taken. Attempts are being made to promote trade and intercourse, and the accounts we receive betoken an improvement in our relations with the interior of China and with the Taepings. I have read to-day a letter from Canton, which states that the Customs' duties are regularly paid, and that, if any difficulties arise, they are treated by the Chinese authorities with a disposition rather to remove obstructions than to cause them. Mr. Bruce has arrived at Pekin: he did not wish to be received with anything like ostentation, so he entered the city privately; but every civility has been shown him, and there is every prospect of the intercourse with the Chinese Government being conducted on friendly terms. While there is no probability of the Chinese Government putting down the rebels, nor of the rebels overthrowing the Imperial Government, I think we should not take part either on one side or the other. It is a great misfortune that the country should be in such a state of civil war; but I can assure the hon. Gentleman that the views of Her Majesty's Government will always be in favour of neutrality. I will not say but some of the local authorities may show some bias on one side or the other; but the Government at home, as well as the chief authorities in China, are desirous of observing a strict neutrality.

MR. BUCHANAN said, the House is indebted to the hon. Member for Greenock for bringing forward for discussion the present state of British relations with China. The subject is highly important, whether, as regards the commercial interests involved, the large revenue derived from tea, or the financial considerations necessarily suggested by the prospect of continued naval and military expenditure in that distant quarter of the world. It had been objected to the Budget of the Chancellor of the Exchequer, that he had taken credit for a portion of the Chinese indemnity. But no reason could be given why that payment was less likely to be made now than on a former occasion, when the money had been regularly remittted. If credit had been taken on one side of the national account for three-quarters of a million indemnity; on the other side there was an estimate of a million for expenses in China, besides increased naval and military estimates on the same account. But while there was no reason to fear that the indemnity would remain unpaid, it would be sanguine to predict that the balance of payments would be in favour of this country two or three years hence. A large force must be kept up in China, and, instead of receiving money we were more likely to send large sums there. Before going further he must disavow all intention of blaming the noble Lord the Foreign Secretary or his predecessors in office for anything that may be amiss in China. The course of events, their causes and consequences, were generally beyond official control, and it would be unjust to impute blame to those at the head of affairs for a course of policy which had not originated with, and probably been but little affected by, the instructions emanating from the Foreign Office. Still less could any fault be found with the noble Earl, who, twice over, had encountered the difficulties and responsibilities of the embassy to China. No one less endowed with prudence, ability, and administrative skill would have given satisfaction to the public. And, if the noble Earl had not succeeded in every particular, it was to be attributed more to the difficulties of the mission than to any want of ability in the ambassador. The important question is are our Chinese difficulties at an end? We have already had three Chinese wars, are we to have another? It is to be feared no basis of permanent peace has been established, and that elements of strife and ultimate war exist beyond any former example. A treaty has been made with an empire which has no power to carry out the stipulations which it has contracted. The Central Government is in a state of prostration and paralysis. It has long been well known that the administration of the distant provinces of China is delegated to the great mandarins, who exercise a power almost independent, their only indispensable act of allegiance being to remit to Pekin an annual tribute. In other respects they do as they please, fleecing the helpless inhabitants by constant squeezes, to reimburse themselves for the price they have paid for their governorships. For, notwithstanding the competitive examinations, and the literary qualifications required for Chinese official life, it is well known that the chief offices in China are sold to the highest bidder. Such a system affords no security against maladministration, and in practice is found to dispense with control of any kind. To such an extent is this independence of central control carried that, it is said, the well-known Yeh, the Governor of Canton did not even communicate to head quarters the treaty which was extorted from him on the occupation of the city. This evil is further increased by the difficulty of keeping up intimate communications between the distant parts of so large an empire, embracing not only diverse races and dialects, but even conflicting interests. And now that Pekin, the hitherto unapproachable centre of the empire, has been explored it has proved, like many other things in China, "a great sham," alike powerless for defence or attack. No doubt, the Tartar cavalry fought well at the Taku Forts, and surprised the allied troops by their gallant charges. But these are said to have been irregular troops, brought up for the emergency, and not available for regular warfare. This seems likely, when we consider that the Taeping rebellion has lasted for ten years, with scarcely a serious check from the regular Tartar army. Had there been such troops as the Tartar cavalry which fought at Taku and Tien-tsin available to the Emperor, the Taepings would long ago have been scattered to the winds. That rebellion, if it can be so called, is an evidence of the weakness and helplessness of the Mantchow dynasty. Its history is one of the many wonders we find in China. Originating in the mountains of the south west, and, no doubt, at first consisting of bands of ordinary plunderers, it has been curiously mixed up with various elements. The doctrines of the Triad Societies, whatever these may be, were early adopted by the leaders of the movement. A still more extraordinary infusion of Christian doctrine, of a very degraded type, it is true, but still unmistakeably of Christian origin subsequently appeared. And that nothing might be awanting in the cunning appeal made to popular sympathies, the Tien-Wong was declared to be the heir and representative of the ancient Ming dynasty, the last Imperial race of Chinese blood. But all these cunning appeals would have been in vain against the disciplined army of a powerful empire, and we must, therefore, conclude that no such army existed. In the meantime the Taepings spread throughout the provinces, increasing in numbers and importance, attracting followers, levying tribute, besieging cities and gaining battles, till at length they reached the banks of the great central river, and fixed their government in the ancient capital of Nankin. The Chief King, or Tien-Wong, has resided there for eight years, while ten sub-kings are engaged in various military expeditions, instigated, it is to be feared, principally by the love of plunder, and guilty in their latest proceedings of revolting atrocities. But whatever may be the ultimate objects of the Taepings, and whatever may be their hold on Chinese public opinion, without doubt, they have braved the whole power of the empire, and been for years a standing menace and defiance to the Tartars. It seems accepted as an undoubted truth, by those most competent to judge, that the Celestial Empire is passing away, that its central heart is powerless, and sends no action through its dislocated extremities. Nor are the Taepings the only rebels. Two other rebellions at present exist, independent of each other, and hitherto not connected with the Taepings — one of these of a very formidable character is in the north, in the province of Shansi ; and another in the province of Quan-Tung, the original seat of the Taeping movement. Under these circumstances, the time has come to ask how would British interests be affected by the downfall of our Imperial allies ? Would separate independent states not be better allies and better customers for us than the effete and corrupt central government which alone we now recognize ? Would it not be in the interests of civilization and human progress that the great obstructive influence of China should be brought to an end ? Whatever solution of the difficulties presented to us we might prefer, it assuredly is our best course to preserve a strict neutrality between all parties. Let us adopt the principle in China which we have announced in Europe and America, as the keystone of our policy, the principle of non-intervention. Why attach ourselves by needless engagements to a powerless state ? We see the ancient empire falling to pieces, and new and vigorous powers and races rivalling each other in progress and civilization, and shall we attach ourselves to the weakest, the most corrupt, and the least enlightened of them all ? Even the Taepings have acknowledged and accepted the influences of western civilization, and, whatever else we can object to their extraordinary career, this at least is certain, that they are not beyond the reach of new ideas, nor have entrenched themselves in the indifference and contempt of other nations, which distinguished the Mantchows. Our policy, as avowed, is not liable to objection. On many occasions we have proclaimed neutrality. In the papers laid before Parliament, there is abundant admission that the British representatives in China approve that principle. More recently it has received a practical illustration. The British naval commander has actually been in treaty with the Taepings, and has concluded with them a convention regulating the navigation and trade of the Yang-tze-Kiang. But, while in words, and perhaps intentions, we preserve neutrality, a little enquiry into our recent treaty obligations will show that we are in a false position, and in various ways have overstepped the line of neutrality in favour of the Imperial Government. The Treaty of Tien-tsin itself is a document from which by no forced interpretation it may be inferred that Britain recognized no power in China but the existing Government. And, if it is replied that we could only treat with a Government *de facto*, still, even admitting that to be true, it is not a sufficient answer ; for various conditions of the treaty will be found to be framed in direct hostility, not only to those now opposed, but to those who shall hereafter be opposed, to the existing Government. In the first place, we have engaged to assist the Imperialists in the collection of their customs' revenue on foreign trade. Were the Taepings to ask British traders to settle at Nankin, and confer on some rival chief inspector of customs those high functions which Prince Kung has conferred on Mr. Lay, what would the "new board of commercial intercourse with all nations" recently established at Pekin, say to it ? Would they not remonstrate against a British subject collecting revenue to be handed over to rebels ? But that is what Mr. Lay and his subordinates of the Chinese Custom-house are now doing as against the Taepings. But, besides, we have guaranteed the continuance of this system, at least until the indemnity which has been stipulated for by the allied forces shall have been paid. That payment, by the Treaty of Tein-tsin is to form a charge on the foreign customs. We are thus engaged in a course which it would be a mere perversion of language to call neutrality, and, if money is the sinews of war, we are engaged on the side of the Tartars. We have been, moreover, parties to arrangements, by which we have consented utterly to exclude friends and foes from all access by land to the territory of the Taepings, for the "licence to proceed to the interior," which the British Consul grants, must be countersigned by a Chinese official, who, of course, will take good care that there shall be no intercourse with rebels. The same applies to the "arms certificate," which is jointly furnished by a Foreign Consul and a Chinese officer, and thus involves a course of action to be regulated solely by Chinese interests. Any one who considers the bearings and working of these arrangements will admit that it is a mere pretence to speak of neutrality. To all intents and purposes we are engaged on the Imperial side. So matters stand now, but they cannot long remain as at present. Collisions of interest, and too probably of force, must arise. This system of assisting the Imperial revenue officers and clearing vessels at Imperial ports, which will again be called on to pay duties to the Taepings, at Nankin or elsewhere, the system of joint licences "for arms" or "travelling in the interior," must lead to disputes where it is too probable our pretensions to the character of neutrals will be forgotten. British or Chinese traders, who have paid duties on their goods at Shanghai or Chin-Kiang, when they trade with districts held by the rebels, will find they have to pay these duties again. They cannot expect that a pass granted by his rival will be acknowledged by the Tien-Wong. This alone will be a constant source of irritation and disputes. The Yang-tze is the great artery of trade from the most wealthy and populous provinces of China to the sea-board, but to Imperialist Junks, it leads through an enemy's country. Will these junks, or even foreign vessels, navigating the river, and provided with an "arms pass" granted by the Imperial Government, hesitate to use these arms when their interests require it? It seems inevitable that the great river will become the scene of piratical warfare, where the most desperate characters of all nations will be found engaged, and the interests of legitimate commerce will be disregarded. Under such circumstances is it likely we shall preserve our neutrality? Are we to stand by and see those trade advantages which we have purchased at the expence of so many millions rendered valueless, or are we prepared to throw our cannon into the scale of the Tartars, as we have already given them our moral support and the benefit of our fiscal skill? It will come at last to this, that we shall have to abandon our hollow pretence of neutrality and fight on the Tartar side. The only means of retaining neutrality is to retrace those steps by which we have identified ourselves with the old Government. And, among those entanglements, the very first to be abandoned should be the customs' inspectorate, as the most injurious to our interests, the most unjust, and in every sense the most impolitic. It is needless now to inquire into the origin of this system; like many other blunders it, no doubt, was a well-meant scheme to meet a temporary difficulty during the abeyance of the authority of the Chinese Custom-house at Shanghai. It was intended also to conciliate the Imperial Government, and, in so far, to purchase commercial privileges by a system which rendered the customs levied on foreign trade more largely and directly available to the Central Government. It has existed since 1856-7, and has been maintained under unprecedented circumstances. To such a length indeed has our courtesy to the Chinese Government gone, that, at the very time we were marching on Pekin, we were collecting revenues for the benefit of our enemies. The port of Shanghai was for some years the only commercial *entrepôt* where this extraordinary system prevailed, but so enamoured of it are the ruling Anglo-Chinese authorities, and, as, indeed, need be no matter of surprise, so delighted is the Government with a system which produces such large revenues to the Imperial Exchequer that, according to the latest information we have received, Prince Kung has notified his intention of extending its operation. All the ports open to foreigners are to be divided into four superintendencies, each to be confided to a mandarin appointed by the "Board of Foreign Trade," instead of remaining, as at present, under the Hoppo, or local Tautai. Of these superintendencies the first embraces Tien-tsin, Tangchow, and Keuchang; the second, Shanghai, Ningpoo, and ports in the Yang-tze; the third, Foochow, Amoy, and Formosa; and, fourth, Swantow, Hainan, and Canton. In all these districts foreign inspectors are to be employed, and Mr. Lay has been appointed by Prince Kung Inspector General of all the Superintendencies, and is empowered "to exercise surveillance over all things pertaining to foreign trade." The system is thus developing itself, and will soon be in active operation over the whole seaboard of China. It is of the greatest importance to consider well what will be its results. One of the most important of these will be a general system of smuggling. No coast in the world is better suited for contraband trade than that of China, being everywhere intersected with bays and creeks and the mouths of large navigable rivers. The population, unfortunately, have been trained to smuggling, the trade in opium having been till lately of that description. The consequence of stringent Custom-house charges being levied at the duty ports, especially if these are aggravated by a continued exacting of their former irregular charges by the local mandarins, will be to drive much of the coasting trade from the present established *emporia.* Foreign vessels will discharge their cargoes in roadsteads into native junks, in the same way as opium was formerly delivered, and these junks will run their cargoes into creeks and harbours in various parts of the coast. Sufficient indications of this course are already shown in the Canton Custom House since the inspectorate was established. The Canton river has four mouths, and is conveniently situated for trade with the free port of Hong Kong. The consequence has been that foreign merchandize of various kinds, but particularly duty-paid opium, has almost ceased to pass through the regular Custom-house. This is what will happen everywhere, and this inspectorate, which originated in the laudable desire to put down smuggling, will prove a powerful instrument to perpetuate and increase that system. It has been insinuated, upon what grounds I know not, that the foreign merchants in China are addicted to the irregular gains of contraband trade. If this refers to the trade in opium the charge has no point, for that case is totally exceptional; and if it is to be judged by a moral standard it would be difficult to say where to award the greatest share of blame—to the Bengal Government, which prepared the drug for the Chinese market, to the merchants who sold it on the coast, or to the mandarins who, for a bribe, connived at its introduction; all of whom are alike implicated. But, leaving out opium, there can be no ground for charging the Chinese mercantile community with the practice of smuggling. But is it quite certain that this good character will be maintained when so many strong inducements will exist to avoid the foreign Custom-houses? The system, as originally introduced at Shanghai, was sanctioned by the three treaty Powers, Britain, France, and America each being represented at the Custom-house by their assessors. It does not appear whether this system is to be extended to the ports now for the first time embraced by the arrangements of Prince Kung and the Inspector Generalship of Mr. Lay. But it may be assumed that commercial jealousy between the different Powers will make it necessary to continue the system as it was first introduced. The expense will thus be very great. There will be at least a dozen ports where three inspectors, with large salaries, will be established. It is easy to see that these expenses, as well as all others attending the establishment, will be levied on trade, and principally on British trade. Is it sound policy to join with France, which has little trade of any kind in China, and with America, which has a great deal less than ourselves, in a system which will expose British commerce, in all its minutest workings, to the inspection of rivals, who will report officially to their respective Governments every shape and form of our varied trade? It may be little-minded to indulge trade jealousies, but is it, therefore, wise to expose all our secrets with such confiding simplicity? Besides, jealousy may work in another way. What would a French inspector care for the over-valuation of British goods of which his own countrymen were not importers, and those who know how successfully we are rivalled in some of our staple cotton fabrics by the Americans will doubt the advantage to British interests of American valuations at the Custom-houses of China. But, leaving that out of the question, there cannot be a doubt that a class feeling will be produced in all these inspectors in favour of the revenue whose officers they are, and against the interests of the foreign merchants. *Employés* of all sorts are uniformly found advocating the system which they administer, and that this is the case in China we have already abundant proof. At Shanghai the merchants have had repeatedly occasion to appeal against the decision of the inspectors; and, as a matter of course, applied to the consul, the legally constituted judge in all controversies between foreign Custom-houses and British subjects. But here we have another anomaly, for we have no end of them in this extraordinary system. The British Envoy (Mr. Bruce) set aside the authority of the Consul (Mr. Meadows), and declared the inspectors to be irresponsible in questions of valuation. The policy of this course is questionable enough; but as to its being contrary both to usage and to law, there can be no question at all. Such are the inevitable difficulties which beset our course when we depart from admitted principles and interfere with the functions of foreign Governments. But no one doubts that all the expenses of this system will fall upon British trade. The Treaty of Tien-tsin has burdened the trade of this country with the indemnity for the expences of the war, which is to be paid from the foreign Customs, and which will make it imperative as regards our own interests to levy duties to the last dollar. But when the indemnity has been paid, we shall find that a system has been inaugurated to which we have ourselves been parties, and which in its consequences may not have been fully foreseen. The full amount of the Imperial Customs is to be remitted to Pekin; but how can the local mandarins exist without their share of the plunder? They have paid for their offices and must have compensation. No one who knows China doubts for a moment as to the course which will be adopted. In one way or another, and in such secret ways as cannot be discovered, additional duties will be charged for the benefit of the local officers. So long as those officers were administrators of the Customs' revenue their peculations affected the Imperial Exchequer; but now that they do not intromit with these collections which are remitted in full to Pekin, they must resort to other means of reimbursement. What these means are we learn from the circumstances which have recently transpired as to opium imported at Shanghai. So determined were the local mandarins that their fees should be paid, that they bribed the Coolies in the various foreign Hongs to ascertain where opium was delivered, and thus ensure the payment of their irregular demands; and in the prosecution of their object they exhibited not only consummate art, but have shown at once the extent of their power and their extortion. This was traced to the Tautai, or Governor of Shanghai. So will it be everywhere. Foreign trade will bear not only the duties fixed by treaty, but a second charge to satisfy the irregular fees of the mandarins. Over and above this, the expense of the foreign inspectorate will fall on foreign trade. But another objection to the system consists in its being most unpopular among the Chinese. They look on the foreign assessors as making these charges for their own benefit. They cannot understand a system which excludes the bargaining and beating down of duties to which they have been accustomed, and in their irritation they have transferred to the foreign officials the whole weight of their resentment. It is known how the installation of the system was received at Swatow, and the forcible resistance that was made to it. It has been asserted that if the troops were removed from Canton, the Customs'-house inspectorate could not last for a day. All this works most unfavourably for British interests. It must have been observed by those who have read the Chinese newspapers, that a loud complaint is made of the secresy with which all the arrangements and working of this system have been carried out. No one can remonstrate, much less advise: for everything is wrapped in secresy. It is impossible that the noble Lord can have any sympathy with concealments; but it is right he should know that this charge has been made against officials in China. It, no doubt, has been undesignedly; but, to a certain extent, the noble Lord followed the same course. The hon. Member for Aberdeen moved for a Return to show the numbers, the amount of salaries, and nature of the engagement of British subjects employed in Chinese Custom - houses; and there was also a Motion for Copies of Consul Meadows' Correspondence with Sir John Bowring, or others, as to the foreign inspectors. The noble Lord could not lay before the House any of these papers. I have no doubt he would have done so had it been in his power; but it is unfortunate any information on this subject should be withheld. It is said this system is on its trial, that Lord Elgin is not committed in its favour, and that the Government at home are not committed to it. Let, then, the merchants and the British public, who are much interested, assist at this trial. The more light that can be thrown on the subject, and the more its difficulties and anomalies are discussed, so much the better for all concerned. The course to adopt, in case the present system should be abandoned, is to revert to the old practice: let all exports be sold duty-paid, and, on the other hand, imports be sold at the short price, or without duty. To facilitate such arrangement bonded warehouses at the duty ports would afford great facilities. But above all it is desirable that free ports should be established in the North of China. It is surprising that, with the example of the success of free ports, as shown by the prosperity and great commercial development of Singapore and Hong Kong, such a system should not have suggested itself. One free port should be established somewhere in the neighbourhood of Shanghai. Perhaps the foreign location at Shanghai itself, if surrounded with walls, would afford an eligible site for a free port; and certainly another should be as far up the Yang-tze-Kiang as sea-going ships can navigate. No doubt the consent of the Chinese authorities would be required for such an arrangement; but there is no reason to think that such consent would be refused. Lord Elgin most properly said, on a late public occasion, that the interests of British commerce, as well as the character and usefulness of British subjects in these distant regions must depend on themselves—on their honour, integrity, and self-restraint. Doubtless, such sentiments will find acceptance everywhere, and under a proper system China will afford a field for their practical illustration.

Mr. SEYMOUR FITZGERALD said, he did not intend to follow the hon. Gentleman who had just sat down in the very extensive range of observations which he had taken, but would confine himself to the subject immediately before the House—the importance of preserving a strict neutrality between the contending parties in China. He thought it would have been better that the discussion should not have taken place until the House had had an opportunity of perusing the papers laid on the table that evening. His information was derived only from the Chinese journals and private correspondence, and might possibly be incorrect on some points. He held that the complaints of the hon. Member for Glasgow (Mr. Buchanan) that the Government had not observed a strict neutrality between the Chinese Government and the rebels, was in several respects quite unfounded. The hon. Gentleman asserted that the conclusion of a treaty with the *de facto* Government of China was a breach of neutrality.

Mr. BUCHANAN explained that he said quite the reverse, and admitted that they could do nothing else than enter into such a treaty.

Mr. SEYMOUR FITZGERALD said, he had understood the hon. Gentleman to say that the very fact that we had entered into the Treaty of Tien-tsin was in itself a breach of neutrality. Having gone to war with the *de facto* Government of China, we had no other resource when we wished to make peace, than to form a treaty with the same authority. Again the hon. Gentleman said that we were guilty of another breach of neutrality in collecting the Customs' dues for the Chinese Government. The fact was that we did nothing of the kind. It was perfectly true that English subjects were employed by the Chinese Government in collecting the duties; but the English Government had no more to do with the collection of the Customs of China than of France. There were, however, two points to which he wished to draw the attention of the noble Lord. He was given to understand that British vessels proceeding to any of the open ports in possession of the rebels were compelled, not by the Chinese Government, but by the regulations of the British authorities, to proceed first to one of the open ports in the hands of the Imperial Government, and there pay the dues. That regulation involved a manifest injustice. On the one hand, our merchants would be most unfairly treated, if they had to pay the dues first to the Imperial Government at the port to which by the regulations they were compelled to go, and afterwards to the rebel authorities at the port where they landed. On the other hand, if we acted justly by the British merchants, and protected them against a second payment of the dues at the rebel port, it was perfectly clear that such an arrangement was one that must quickly bring us into collision with the rebel authorities. Had the Chinese Government enforced such a regulation there would have been no reason to complain; but he found fault with it as proceeding from the British authorities. Again the position which we occupied at Shanghai was very peculiar, very objectionable, and in his opinion very dangerous. If he was rightly informed, there were British troops at the present moment in Shanghai who, although receiving British pay, were in point of fact maintained at the expense of the Imperial Government for the protection of the port against a hostile attack from the rebels.

Lord JOHN RUSSELL was understood to say that the troops were stationed at Shanghai merely for the protection of British subjects and property.

Mr. SEYMOUR FITZGERALD observed that in that case it was very singular that the expense of the troops should be borne by the Imperial authorities. The fact, disguised as it might be, was that it was only a repetition in 1861 of what occurred not very long ago, when Shanghai was protected from the rebels by a British force. A more important subject could not be brought under the notice of the noble Lord the Foreign Secretary than the absolute necessity of observing the strictest neutrality between the two parties in China. If we gave either party a right to complain of our conduct, there would be always a Chinese difficulty continued from year to year, and varied at intervals by an open war.

VISCOUNT PALMERSTON: Sir, I think my hon. Friend the Member for Glasgow has not sufficiently adverted to the statement made by my noble Friend in regard to the very satisfactory arrangement which has been come to between our Admiral and the Taepings for the observance of the strictest neutrality between the contending parties, because many of his remarks applied to a different state of things, and assumed that no such stipulations had been entered into. I think I may dismiss that part of the subject by repeating the assurance that we are now observing the strictest neutrality between the two parties, and have obtained from the Taepings securities that our commerce with those parts of the country which are occupied by them will be duly protected, and not subjected to any interruption. The proposition that we ought not to have entered into a treaty with the Emperor of China because there is a rebellion raging over a large portion of his dominions is quite untenable. When a sovereign reigns over a country, and when his authority is especially in force in those parts where our interests lie, we have no choice but either to make a treaty with him, or to leave the lives, property, and commerce of our countrymen wholly unsecured by any diplomatic stipulations. Had Her Majesty's Government pursued the latter alternative, and left British interests without that protection, we should have done that which was totally unjustifiable and without excuse. The Treaty of Tien-tsin was the result of an endeavour on our part to obtain redress, by hostile measures, for injuries which had been done to us by the Government of China. That treaty was not observed, and it was again deemed necessary to resort to hostilities. The Earl of Elgin, at a great sacrifice both of comfort and health, returned to China and negotiated another treaty, which gave full force and effect to all the provisions for the protection and extension of our commerce which the first treaty contained. So far from that being a proper subject for criticism, those of our countrymen who are connected with the Chinese trade ought to acknowledge the great evils which have been redressed, and the great advantage which must be conferred on British commerce by those two treaties. Therefore, it is totally unnecessary to enter into a justification of the Government for having entered into treaty engagements with the existing Imperial Government of China, or to maintain that in doing so they committed no breach of neutrality as between the two contending parties.

MR. BUCHANAN said, he must have expressed himself very ill indeed if his remarks could be construed into a complaint against the Government for having made a treaty with the Imperial party. He owned that the Imperial Government was the *de facto* Government, and the proper authority with whom to treat.

VISCOUNT PALMERSTON: I am very glad to accept the admission of my hon. Friend. On the one hand, then, we have shown that our policy is to maintain a strict *bonâ fide* neutrality; and, on the other, those who are disposed to find fault with other things are ready to admit that we were perfectly right in entering into a treaty with the *de facto* Government of China. That disposes of a good many of the observations which have been made in the course of this discussion. Great fault, however, has been found with the arrangement by which British subjects are employed by the Chinese Government for the collection of their Customs. I think that those objections are not well founded. In the first place, it has been stated by the hon. Gentleman opposite (Mr. FitzGerald) that these British subjects are not acting under the authority of the British Government, but are lent to the Chinese Government, and are responsible to that Government for their conduct. My hon. Friend complains that they are not placed under the authority of the Consuls, and that Mr. Bruce has declared that any complaint against them must be made to him. I do not see anything wrong in that. Mr. Bruce is the highest authority representing the British Government in China, and it is proper that when complaint is made against persons who are performing duties such as those which have devolved upon those who are engaged in collecting the Customs' duties, that reference should be made to him. The decision of a consul might be swayed by local considerations, and if adverse to local complaints would not carry with it the weight which will attach to a decision pronounced by Mr. Bruce. Generally speaking it might be an unusual course that British subjects should be employed to collect the Customs due to the Chinese Government; but, as our indemnity is to be paid out of the produce of those Customs, we have a direct interest in seeing that they are fairly levied and completly paid. My hon. Friend said that this system has a tendency to encourage smuggling. Now it is a well-known saying that the best way of replying to an unanswerable argument is to affirm directly the contrary. My hon. Friend has followed that course, because, unless we are extremely misinformed, it has a direct tendency to check that practice, and it is not impossible that many of the complaints which are made against it in China owe their origin to the fact that it is putting an end to the system of collusion between the merchants of different countries and the Chinese Custom-house authorities which has unfortunately for some time prevailed. My hon. Friend says that the Chinese authorities pay for their appointments, and are, therefore, compelled to extract money from the persons who come within the scope of their authority in order to repay themselves, and I understood him to suggest that one effect of the operation might be by depriving these persons of their illegitimate fees to lead them to resort to still more improper proceedings. There can be no doubt that this system will tend to establish a regular and legal system of Customs, and I cannot believe that the establishment of such a system will lead British merchants to smuggle goods into places where Custom-houses are not established. My belief, on the contrary, is, that this system will establish a fair and equitable arrangement, according to which all parties will pay just what they ought to pay, neither more nor less, which will, no doubt, be advantageous to the Chinese Government by introducing order into a department which has hitherto been full of abuses, but which will be productive of great advantage to us, as it will secure the gradual payment of those indemnities which were stipulated for by the Treaties of Tien-tsin and Pekin.

With regard to the point adverted to by the hon. Gentleman opposite (Mr. S. FitzGerald), I am not aware that we have any information as to the fact that vessels are compelled to go to ports where duties are paid to the Imperial Government, although they may be destined to ports which are in the hands of the rebels, but undoubtedly it is a matter deserving of inquiry and consideration. Then, as to Shanghai. Every one knows that that is our most important settlement in China, that a large extent of ground is there allotted to the foreign community, and that that place has largely superseded Canton as the great mart of British commerce. We have heard a great deal in praise of the Taepings, and I should be unwilling to say anything to their disparagement, but it is well known that towns which have unfortunately been occupied by them have, a fortnight afterwards, not presented the same appearance of wealth, of comfort, and of population, which they exhibited before the occupation. [An hon. MEMBER: Suchow.] I am speaking of Nankin and other places. I have been told that Nankin is a wilderness. I do not know whether that is an exaggeration, but, unhappily, the occupation of Shanghai by the rebels is not a thing which the community of that place would very much desire. The hon. Gentleman said that the troops there are now paid by the Chinese Government. I believe that my noble Friend does not altogether approve that arrangement, and it may probably be altered, but I believe that it is of great importance that there should be a British force at Shanghai to protect British property and British merchants in that town from the effects which must result from its occupation by the rebels. Nor is it desirable that the Chinese part of the town should be laid waste, which would be the natural consequence of its being taken by storm. To what extent our troops are protecting others besides British residents I am not informed, but I am sure that the House will feel that it is the duty of the British Government to take care that that most important and valuable British settlement should not encounter all the calamities which would result from its occupation by the rebels. My hon. Friend said that great advantage would arise from the establishment of several free towns at different places in the Chinese territory, up the Yang-tse-Kiang and in the north. If we were masters of China we might, no doubt, establish free towns in certain places, but the Chinese territory belongs either to the Emperor or to the rebels, certainly not to us, and, therefore, we have not power to make the arrangement which my hon. Friend thinks would be so advantageous. All we can do is to avail ourselves to the utmost of those privileges which treaties have given to us. Those treaties were made with the existing Government, and we have no right to assume that that Government has ceased to exist as long as it continues to rule a large and important portion of the empire, especially the seaport towns with which we carry on intercourse. All that we can, in my opinion, be expected to do is that which my noble Friend has shown that we are doing —giving neither party cause to complain, and, as far as hostilities are concerned, acting according to the principles of strict neutrality.

MR. WHITE, after repeating the statement that British vessels bound for ports which were in the hands of the rebels were compelled to call at Imperial ports and pay the Imperial duties, an arrangement which was similar to requiring ships bound to Charleston to go to New York and pay the Federal duties, said that the Taepings were a set of ruffians and scoundrels with whom not a single man of education, character, or discretion had associated himself. If it were not that such a course would be altogether opposed to the policy of England we should be glad if the British Government should take part in the dispute and rid the world of such a nest of vagabonds, for it was melancholy to reflect that a civil war would drag on for years and inflict endless misery and distress, which might be effectually put an end to by a single regiment and a few Armstrong guns. The hideous grotesqueness and blasphemy associated with the Taeping movement would be evident from the fact mentioned by a friend of his who had visited the adviser—the individual whose duty it was to interpolate the Scriptural element into their proceedings, who found him attended by four beautiful girls arrayed in yellow, and luxuriating in every magnificence which could be afforded by the plunder of the richest cities of China.

COLONEL SYKES said, the speech of the noble Lord the Secretary of State for Foreign Affairs had failed to satisfy him that the English Government had observed a policy of perfect neutrality. With regard to the Taepings, he would refer to an account written by the special correspondent of the *Shanghai Herald*, who had accompanied the British expedition, to show that in Nankin, which was in the hands of the Taepings, building was going on on all sides and trade was springing up, while at Chinkiang, which had been occupied by the Imperialists for four years since it was quited by the Taepings, there was only one house standing, in which the duties of the port were collected. It ought to be the great object of the Government of this country to conciliate the Taepings, who at present numbered a hundred millions of people, and had five millions of armed men among them. He contended that if the Customs' duties at the treaty ports were collected by European (not native) officers in the pay of the Tartar Government, but only responsible for their conduct to Mr. Bruce, the British representative, we were infringing the principle of neutrality, and became, in fact, active agents in favour of the Tartar Government. The very cost of the defence of Shanghai against the Taepings exceeded the amount of the indemnity which we received from China; and, if that military occupation were continued, it would be impossible for the Chancellor of the Exchequer next year to reduce the amount of the tea duties.

MR. DUNLOP said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

OUTRAGES AT GEASHILL.

OBSERVATIONS.

MR. M'MAHON said, he rose to call the attention of the House to the circumstances under which the Barony of Geashill, in the King's County, was obliged to pay £300 damages for the alleged malicious burning of an outhouse belonging to a Mr. Trench, and to the fact that a confidential report from the constabulary to the authorities of Dublin Castle, stating that the person who burned the outhouse was a party resident in Mr. Trench's house, was shown in a breach of confidence to Mr. Trench; and asked why no steps had since been taken to prosecute the offender? Under the late Lord Digby, who had granted leases to his tenants, Geashill was one of the quietest districts in Ireland. His successor took advantage of some technical defects to break the leases. A new agent was appointed in the person of a Mr. Trench, who was very unpopular; and Lord Digby did not come to see with his own eyes the misery into which the place was plunged. Outrages, genuine or fabricated, were the consequence, and as a specimen he might mention one:—A fire took place in the stables of Geashill Castle one night, though the gates were all closed and no one could get over the walls from the outside. Mr. Trench having alleged that the fire was the work of an incendiary outside, a policeman named Burke had carefully examined the grounds outside the walls for the purpose of ascertaining if the fire had been caused by persons unconnected with the castle; but no trace could be found, and everything which he saw led to the indubitable inference that the person who had fired the turf in the stables lived within the castle. The report sent by Burke to Dublin Castle charged the offence upon some person residing under Lord Digby's roof; and the authorities, in breach of confidence, communicated it to Mr. Trench, when, instead of having an inquiry instituted, he endeavoured to frighten Burke from discharging his duty, and ultimately he was put upon his trial for having been found drunk on two occasions, and for habitually frequenting public-houses. He thought it was as clear as the sun at noonday that the outrage had been committed by one of the fabricators of outrages within the castle, and not by any of the tenantry residing outside the walls, and he trusted the Government would do their best to bring the offenders to justice.

Mr. HENNESSY said, his hon. and learned Friend had made an attack in most unmeasured terms upon the conduct and character of Lord Digby. He would not examine into the motives of his hon. and learned Friend in so doing, but one thing was clear that he has not investigated the facts of the case. He could inform him, however, that the grand jury of the King's County, composed of twenty-three honourable men, not connected with the Barony of Lord Digby, after hearing evidence upon oath, had come to the conclusion that a malicious injury had been done to Lord Digby's property, and that he was entitled to receive the full amount of the damage. That was also the unanimous opinion of the ratepayers of the county. His Lordship was thought to be entitled to £500, but he would only take £250. Since Lord Digby came into possession of the property only three tenants had been evicted, and they owed respectively eleven years, fourteen years, and thirty years' rent. He hoped that this would be a lesson to his hon. and learned Friend to confine himself to the Woods and Forests and to the county he represented; but which he (Mr. Hennessy) feared his hon. Friend's present position showed was a little too hot for him. He hoped he would examine his facts before he dealt with them, or brought them before the House. A case so utterly fallacious had never been inflicted upon the House of Commons.

Mr. M'Mahon

Mr. O'BRIEN said, he had been informed that a state of things existed in the King's County which ought not to be permitted to continue, but from his own knowledge he could not say whether that were so or not. The property of Lord Digby, in the neighbourhood of Geashill, appeared to him to be an improving one. With regard to the transaction under discussion it was stated that a report concerning it had been made to the Government, and placed in the hands of a magistrate of the county; but when he (Mr. O'Brien), as a magistrate of the county, applied for a copy of that report, it was refused to him. It was the duty of the Government to give them that report, or take measures, if they refused, to show who were the real offenders in the case. He trusted the Government would allay the excitement which existed in the district by furnishing all the information which was so much desired.

Mr. BRADY said, he only wished to observe that the case made out by the hon. and learned Member for Wexford (Mr. M'Mahon) was very clear. The burning which had occurred would seem to have been caused by some one well acquainted with the position of the premises. There could be no doubt that similar outrages had occurred in many parts of Ireland, and the perpetrators of them ought to be brought to justice. He trusted the Government would take the question into their serious consideration, for it had done great injury to Ireland, and it tended to corrupt the people and to lower the standard of morality in that country.

Lord NAAS said, he must protest against the time of the House being taken up with the discussion of a matter beyond its control. It was unfair for an hon. Member to rise in his place and arraign the whole management of an estate for some years past, because charges were often made on imperfect evidence, and no proper opportunity was afforded for their refutation. It was only a few years ago Lord Digby came into possession of his property. Up to that time he had been almost entirely a resident in England. He appointed a gentleman to manage his estates, and so well had that person acted that they were considered the best managed property in the King's County. Not long ago Lord Digby summoned his tenants to a general meeting, at which he asked them whether they had any complaints to make as to the conduct of his agents. Not a complaint was ever uttered against him. It was true that when Lord Digby obtained possession of his estates he found that several of the tenants held leases which had been illegally granted. The result was that rather than subject his tenants to ruinous litigation he distributed amongst them about £30,000 by way of compensation. With regard to the report referred to if there was any reason to suppose that any person had been guilty of the outrage alleged, of course the Government would place the report in the hands of the law officers of the Crown, and the party would be prosecuted. He must protest against charges being made against owners of property who were endeavouring to discharge their duty conscientiously and with the utmost forbearance and consideration.

Mr. **CARDWELL** said, that with regard to the first question—namely, under what circumstances the barony was called upon to pay compensation for the malicious injury to the burning of this outhouse—the circumstances were these: When an injury was committed, the law provided that the injured person should have the power of applying to the Presentment Sessions. That course had been taken in the present instance: the presentment was sent to the grand jury, was found by them, and the barony then, according to law, became liable to pay compensation. He understood that no fewer than eleven witnesses were examined. The second question presumed that a confidential report had been shown to Mr. Trench; but if that was so it had been without his knowledge, and he did not believe it. He was not, however, prepared to say anything which would fetter the discretion of Government or the responsible officers of the police in holding communications with injured parties, which might tend to the detection of crime already committed, or to prevent future injury being done. With regard to the third question—namely, why the offending person had not been the subject of prosecution—the answer was obvious. The Government were most anxious to pursue a prosecution in every case of the kind, and his hon. and learned Friend might rest assured that as soon as it appeared, in the discretion of the police authorities, fortified by the opinion of the legal advisers of the Crown, right to put any person on his trial for that crime, the Government would not fail to do so.

Colonel **DUNNE** said, he was of opinion that as Mr. Trench was the local magistrate of the district, the confidential report alluded to ought to have been shown to him. There was no accusation whatsoever against Mr. Trench. It was the duty, then, of the police to go to the local magistrate in a case of this kind. As to the Digby family, for some centuries that family had not resided in Ireland. In 1641 their castle had been burned down, since which period they had lived out of the country until a recent period.

THE ISLAND OF JERSEY.

PAPERS MOVED FOR.

Mr. **SOTHERON ESTCOURT** said, he wished to ask the right hon. Gentleman the Secretary of State for the Home Department, if he will have any objection to lay on the Table of the House Copies of Correspondence with the Authorities of the Isle of Jersey on the subject of the Report of the Royal Commission? When the hon. Member for Reading (Mr. Sergeant Pigott) moved for leave to bring in a Bill for the amendment of the constitution of the courts of Jersey, he (Mr. S. Estcourt) offered some observations on the subject, intimating a strong opinion that something was required for the amendment of the constitution of the Jersey courts beyond that which could be afforded by means from within. Inasmuch as the evils connected with the court were fatal to the interests of the islanders for years past, and that no attempt had been made in the island itself to reform it, it appeared to him that it was necessary something should be done by the British Parliament to improve it. He understood that the observations he had then made had given offence to some gentlemen in the island. He regretted that his remarks should have had such a result, because he had a high respect for the constitution of the island and the independent spirit of the inhabitants. With the highest respect, however, for the people of Jersey, to maintain their insular independence, and their old constitution and forms of procedure, he still thought that the course taken by the hon. Member for Reading was called for by the circumstances of the case. It was said on the part of the islanders that they were of themselves about to apply a remedy to the evils complained of without any pressure from without, and it was stated that communications to that effect had been sent to the Home Office, before the subject was introduced to the notice of that House. The communications were two in number, and one of them was dated, he was informed, on the 11th of March, and the other some day in the present month. He understood that the right Gentleman was willing to produce the correspondence, and in taking that course the right hon. Gentleman was acting a part worthy of a British Minister. Inasmuch as the question of Imperial authority over those islands was contested, and as it was known that the inhabitants were peculiarly sensitive on that point, it was desirable that the fullest information should be afforded, both to them as well as to the British public on the matter. It was urged on the part of the islanders that they did not dispute the authority of the Queen, but that they rejected the jurisdiction of the British Parliament. He repeated he did not wish to encroach on their liberties or their independence; but when it was alleged that in that part of Her Majesty's dominions there was a systematic departure from or a great delay of justice; that it was impossible for individuals committed to prison to obtain their discharge by any process of law for a long series of years, or certainly months, it was desirable, for the honour of the British name, and for the sake of justice, that a superior authority should interpose. Even if an Act of Parliament passed in the ordinary form should constitutionally be determined not to be the proper mode of dealing with the question, he still thought it ought to have been brought before the British Parliament, and that his hon. Friend the Member for Reading rendered good service in bringing it forward.

Sir GEORGE LEWIS said, he had no objection to lay before the House the correspondence to which the right hon. Gentleman had called attention, if he would move for it on a future day. When the correspondence was produced, it would appear that the States, upon the Report of the Commissioners being referred to them, had appointed a Committee to consider the Commissioners' recommendations. What had he meant to convey to the House on a former occasion was that the States had not passed any measure in consequence of the reference which had been made to them. He did not mean to convey to the House that the States had not considered the matter by the appointment of a Committee. The Committee, in fact, had held several meetings, and made several reports, in one of which they commented upon the remarks made in the House upon the Motion of the hon. and learned Member for Reading (Mr. Sergeant Pigott). He was not sure whether it was in accordance with the rules of the House to lay on the Table public documents containing remarks upon speeches purporting to have been delivered in the House, but if there was no irregularity in doing so he should be quite ready to produce them. It appeared that the States of Jersey disputed the power of Parliament to legislate on the internal affairs of Jersey; but he entertained no doubt whatever as to the legal power of Parliament to legislate on the internal as well as the external affairs of the Channel Islands.

Sir WILLIAM HEATHCOTE said, he considered it extremely desirable that the Report of the Commissioners should be adopted in the island. But he doubted the expediency of that House proceeding to deal authoritatively with the matter at a time when it appeared that the States were not indisposed to take up the subject. It should be remembered that the States, and, he believed, the inhabitants of the island generally, while admitting that they were subject to the British Crown, denied that they were subject to the jurisdiction of Parliament; and it seemed to him that it would have been more expedient, if the islanders did not themselves effect the desired reforms, to accomplish that object by means of an Order in Council rather than an act of the Imperial legislature.

Motion, by leave, *withdrawn.*

THE NAVIES OF ENGLAND AND FRANCE.

OBSEVRATION.

Sir JOHN PAKINGTON: Sir, I now rise to call attention to a subject the importance of which no one will deny. I have received information with respect to the progress of the French Government in building armour-covered ships, to which I think it my duty to call the attention of the House and of Her Majesty's Government without any loss of time. I bring this subject before the House with the advantage, not only of stating my facts on what I may call high authority, but also of stating what that authority is. Every one conversant with the state of the navy is aware of the high professional reputation of Admiral Elliot. It is only justice to him to say that there are few, if any, more able or distinguished officers in Her Majesty's service. I have the advantage of private friendship with him, and I am able to state that during the last three weeks he has visited all the French ports and arsenals with the exception of Toulon. He has given me permission to mention his name in connection with the statements which I am about to make to the House, but with a feeling which is honourable to himself, as he has lived on terms of friendship with many officers of the French navy, he is anxious that he should not be under the suspicion of having acted in any manner as a spy, or of having done anything unworthy of his high character as a British officer. I should, therefore, state that whatever information he has obtained was obtained in an open manner, and he visited the French dockyards with the advantage of having received the permission of the Minister of Marine. [Mr. Lindsay: Hear, hear!] I understand the motive of that cheer, and it is only due to the French Government to state, on the part of the French Admiralty, that there has been nothing like any intention to conceal its preparations. But those preparations are of such a nature that after the communication I received from Admiral Elliot I could not delay calling the attention of the Government to them for a single day. During the last fortnight I have received two letters from the gallant Admiral, one of which was written from Brest, and the other from Rochefort. Yesterday morning he returned to this country, and in a long conversation with him I heard the facts that I am about to submit to the House. I am glad to see the hon. Member for Sunderland (Mr. Lindsay) in his place; in the early part of this Session, on a Motion made by the hon. and gallant Member for Portsmouth (Sir James Elphinstone), the hon. Member for Sunderland spoke strongly on this subject. He stated to the House that he had had a communication with the French Minister of Marine; and he gave his impression with regard to the progress France was making in the completion of her navy; but what I particularly call attention of the House to is a letter the hon. Member told us he had received from M. Chevalier. That gentleman throughout the late negotiation with the hon. Member for Rochdale (Mr. Cobden) was in frequent communication with him. I believe no one has taken more pains than M. Chevalier to impress on this country, and on those Englishmen with whom he has had communication, that it is the desire of the French Government to maintain pacific relations with this country, and that it was making no unusual efforts to increase its naval force. M. Chevalier wrote thus to the hon. Member for Sunderland—

> "You have a full statement of our navy—you have it in a blue book—you are told officially by the Government and privately, in the most friendly and honest manner, by our Minister, that of iron-cased vessels France has only one fit for use, that in a short time we are to have a second, but that a full a year must elapse before we can get two more, and two years before we shall be in possession of six iron-cased vessels; and it is in the face of such a fact that England feels herself so dangerously menaced that she spends millions without number to get rid of the peril of an invader."

[Mr. Lindsay: Hear, hear!] The hon. Gentleman cheers; but before I sit down I think he will be obliged to acknowledge one of two things—either that M. Chevalier was throwing dust in his eyes, though I have no reason for saying he did so—I know nothing that could justify the imputation—or, that M. Chevalier himself knew nothing of the subject of which he was speaking. The noble Lord the Secretary of the Admiralty also spoke on that evening; and, with perfect frankness, he said he had no desire to disguise or conceal from the House the real state of affairs with regard to the relative states of the navies of England and of France. The noble Lord stated what at the time was strictly correct, according to all the information he then possessed. He said that the French Admiralty had at that time built, or was building, six iron-cased frigates; two were large vessels of 52 guns; there were four others, sister ships of *La Gloire.* And, he added that exclusive of the old floating batteries of the Russian war, the French had built, or were building, five iron-cased gunboats, and four vessels of a formidable character, called floating batteries; altogether they had nine iron-covered gunboats or floating batteries, and six large iron-cased frigates, of which *La Gloire* is one. The noble Lord also gave the House what I think was a most important assurance, and to which I beg to call the attention of the noble Lord at the head of the Government. He told us—

> "That if they found much more progress made over the water or among any other nation in building these ships, it would be the bounden duty of the Government to come down to the House and state frankly and fairly what was going on, with a view, if necessary, to extend the number of our iron-cased vessels."—[3 *Hansard,* clxi. 1155.]

This was an important statement on the

part of the noble Lord, and the fact that it proceeded from his lips makes me regret that the First Lord of the Admiralty is not in the House of Commons. Though I accept any such statement from the noble Lord, and believe it was made in the utmost good faith, and with the intention of fulfilling it, yet the noble Lord is not a Member of the Cabinet, and it is not unjust or disrespectful to him to say, that we cannot receive promises on his part as of the same weight and importance as if they proceeded from the First Lord of the Amiralty himself. Since this promise was made the state of things contemplated by the noble Lord has arisen; the position of the French navy with regard to iron cased frigates is wholly different now from what it was when that promise was made; but the Government has not come down to Parliament and made the statement thus promised, or asked for the means of extending the number of our iron-cased ships. I must, however, make some exception to this assertion. On Thursday week there was another discussion on the state of our navy; and my noble Friend the Secretary of the Admiralty took that opportunity of informing the House that the French Government had been making very serious efforts to add to the number of its iron-cased ships since he had brought forward the Estimates in February last. I think he told us there was reason to believe that since that month the French Government had laid down no less than nine more of these iron-covered ships, and so far as the number is concerned this statement exactly tallies with the information I have received from Admiral Elliot. But that information does not exactly tally with other parts of the statement of the noble Lord. When I allude to these differences the House will bear in mind that what Admiral Elliot told me yesterday is what he has himself seen in the last fortnight, while my noble Friend could only speak from the information he had received from others. Admiral Elliot did not visit Toulon; he says nothing of the two or three ships building there; but at other ports he saw the following ships in various states of preparation; some were only lately laid down, others were in a forward state. Besides the *La Gloire*, to which as every one is aware that it is already finished, the gallant Admiral saw the *Magenta* and the *Solferino*, two large ships of 52 guns, to be launched in June; the *Normandie, Flandres, Magnanime, Gauloise, Valeureuse, Couronne, Surveillante, Revanche, Heroine*, and *Quillaine*. Here are 12 armour-plated ships in different states of preparation. Of the two at Toulon Admiral Elliot does not profess to speak, but of the other 10 every one is a larger ship than *La Gloire*, and is intended to be an improvement upon *La Gloire*, and all, excepting two which are of iron, are wooden ships covered with armour. There are thus, including *La Gloire*, 13 frigates, besides which there are the two frigates refrred to in M. Chevalier's letter, where it was said, "twelve months must elapse before we can get two more," and referred to also by my noble Friend last February, and then described by him as being ships of large size, and carrying 52 guns. Now, instead of being frigates of large size and carrying 52 guns, they are line-of-battle ships, two-deckers, carrying two tiers of guns on each side. In tonnage they are very little short of our *Warrior*. The *Warrior* is a little more than 6,000 tons; these two ships are of 5,000 some hundred tons, and instead of being 52-gun ships, they are pierced for 100 guns each. In short, they are two ships such as the world has never heard of before, because while nearly equal in tonnage to the *Warrior* they will have 100 guns, out of which 52—26 on each side—are entirely covered with armour of full thickness, it being intended to cover all the rest of their guns with armour of a lighter character. I have now mentioned two line-of-battle ships of 100 guns each, and 13 of which 12 are heavier than *La Gloire*, making 15 armour-plated ships. The two line-of-battle ships, named the *Solferino* and the *Magenta*, which M. Chevalier said would be completed in a year hence, are both to be launched in the approaching month of June, on the anniversary of the battles the names of which they bear. These two powerful ships will, therefore, be added immediately to the strength of the French navy, and the 15 ships which I have enumerated will be in addition also to the nine of which I have no information beyond that furnished by my noble Friend—namely, the four formidable batteries and the five gunboats. The practical point we arrive at is that the French are rapidly preparing 15 powerful armour-plated ships to be added to nine of a different description, also covered with armour, giving them in the whole a force of 24 armour-covered ships, exclusive of the old batteries which were used during the Russian war. Now, what is the state of preparation in England? My noble Friend will correct me if I am wrong; but I am not aware of more than six ships of this description in England which are built or being built. We have the *Warrior* and the *Black Prince*, two ships superior in tonnage, and superior, I hope, in speed to any of the French ships, but very inferior in armament. The *Warrior* and *Black Prince* will not, I believe, carry 50 guns—[Lord CLARENCE PAGET: Forty guns]—while the two great French line-of-battle ships will carry 100 guns each. We have also the *Defence* and *Resistance*, one of which has lately been launched. I am afraid that those two ships must be considered as inferior to any one of the fifteen vessels I have mentioned—[Lord CLARENCE PAGET dissented]—though I hope my noble Friend is right in expressing an opposite opinion. Then we have two more ships in the course of building; these are of intermediate size between the *Defence* and the *Warrior*, and I know of nothing else except the iron-plated ship of the same size as the *Warrior*, which, as we have heard, the Admiralty intend to build at Chatham. I have thus laid before the House the comparative state of the two navies in this most important respect at the present moment. The French have fifteen frigates and line-of-battle ships, together with nine powerful ships of a different description: in England, so far as I know, we have six, or at the most, seven. Admiral Eliott assures me that not only are the French in advance of us to the extent I have now stated, but that in every one of the yards which he visited the utmost efforts are being made to press all those ships forward to completion. I have no wish to excite alarm by making this statement. I make it because I think it my duty to communicate to the Government and the House in this public manner information of so startling a character. Why are these preparations being made in France? I will not enter into the motives by which the French Government may be influenced in making such efforts. Every one is able to judge for himself for what ultimate end these preparations are intended. The point to which I invite attention is that whatever may be the motive of France, the practical result is that we are rapidly becoming the second maritime Power of Europe. It is impossible to exaggerate the importance of this statement. Is it true or is it not true? If it be true, what are the intentions of the Government? Such questions ought to be quite above any party considerations, and I will not, therefore, enter into any party matters; but I cannot help feeling that I am bringing this subject under the serious consideration of the House and of the country, at a moment when the Government are, as I think, needlessly throwing away a large amount of revenue. [*Ironical cries of* "Hear!"] That observation may not be acceptable to hon. Gentlemen opposite after the recent Parliamentary struggle in which we have been engaged, but I hope my tone will convince the House that I am not alluding to this matter with any party object. Let me add that no one believes more sincerely than I do that the noble Lord at the head of the Government is as anxious as any man to preserve the supremacy of England. There was recently paid to him one of the highest compliments that any public man could receive, coming as it did from a Member of this House who is himself of high position and character. The noble Lord was told that, in the opinion of that Gentleman, he has the heart of an Englishman and the head of a statesman. I beg to tell the noble Lord that no party differences shall prevent my saying that I subscribe to this eulogium. For myself, I hope I may lay claim to possessing the heart of an Englishman, and it is because I am full of anxiety as an Englishman at the information received by me from unexceptional authority that I now appeal to the noble Lord, both as an Englishman and as a statesman, and ask him whether he is content to allow this state of things to continue, and whether he is prepared to tell us what efforts he will make to prevent its continuance? He will not, I am sure, deny the gravity of the subject. He can hardly say that I am speaking on erroneous information. I cannot see the possibility of error in statements made as the result of personal inquiry by one of the most distinguished men in our navy. That officer gives me the account of what he has himself seen within a fortnight from this day, and he allows me to use his name. Looking at the nature of this information, I must say I am disappointed that the pledge given on the part of the Government in February has not been redeemed. The state of things then contemplated has arisen. Fresh efforts are being made across the water; no proportionate efforts are being made in England. I hope my object in making this statement will not be misunderstood, and I will merely add that with great anxiety I await the answer of the noble Lord. I hope he is not insensible to the gravity of this information, and that if, as I have reason to believe, he has received the same information, I trust he will be prepared to say that no financial considerations will prevent the Government from using every possible effort to maintain the naval supremacy of this country.

ADMIRAL WALCOTT: I have received the same information which the right hon. Baronet the Member for Droitwich has communicated to the House. As it is derived from an officer possessed of high professional qualifications and unquestionable judgment, it deserves and demands the most careful consideration at our hands. I feel quite convinced that a neighbouring country at this moment is in command of a most formidable number of armed-cased ships; within a short while they will increase it to a fleet of iron-sheathed vessels which will in the case of hostilities, prove perfectly irresistible, unless we take steps, *pari passu*, to place ourselves at least upon an equality of position and strength. I feel bound to say, as an act of justice towards Admiral Eliott, that he had previously had an interview with the First Lord of the Admiralty, and laid before him the important facts which have been now submitted to the House by the right hon. Baronet, leaving him, I presume, with full power to deal with them at his own discretion. It is the sacred duty of this House to provide that England shall equal every Foreign Power at sea, for if we are deprived of the supremacy of the ocean, her sun will have set for ever. The noble Viscount at the head of the Government has been lately taunted by an hon. Member below the gangway with making a "Rule Britannia" speech, but high as England may stand now, her safety does not consist in a vain-glorious security, but in a progressive maintenance of her strength, which it is a treason against her to weaken, for we owe it to our children no less than all we have received from our fathers, and the debt is the unsullied honour and undiminished welfare of this land.

MR. LINDSAY said, he was surprised that the right hon. Gentleman should have brought forward the subject on that occasion, when so much more favourable an opportunity would be presented when the House next week went into Committee of Supply on the Navy Estimates. He was equally surprised that the right hon. Baronet, if he meant to challenge statements made by him at a former period should not have given him notice; for he could not be expected to carry a whole array of figures in his head. It was only at eight o'clock that he had heard from the right hon. Baronet that he intended to call these statements into question. Neither could he see what good was to be done by the right hon. Baronet's statement. If the information which he had received was so important, his proper course would have been to wait upon the noble Lord at the head of the Government and lay it before him privately. The only result of the course he had adopted would be to create unnecessary alarm. The right hon. Baronet had challenged the veracity of one of the most eminent statesmen in France, M. Chevalier.

SIR JOHN PAKINGTON: On the contrary, I stated distinctly that I had no right to make any imputation on the veracity of M. Chevalier.

MR. LINDSAY said, the statement of Admiral Eliott was entirely at variance with M. Chevalier's, and if that was not imputing his veracity he did not know what was. In his letter, written in the early part of February, M. Chevalier stated that France had then only one iron-cased ship ready, *La Gloire*, and that in a short time they were to have a second, but that a full year was necessary to get two more ready, and another year for two more. The right hon. Baronet would probably admit that on the 1st of February there was but one ship ready, and he had not stated that the second one was ready yet, so that M. Chevalier's statement was quite correct. As for M. Chevalier attempting to throw dust in his eyes, he certainly had had some experience of the world, and was not so easily deceived, but M. Chevalier did nothing of the sort, he simply referred him to the Minister of Marine. He saw the Minister of Marine, who handed him his own report of every ship in the navy—of the stages in which they were and where they were to be found, and he offered, if he would visit the dockyards for himself, and judge of the accuracy of the return, he would send a gentleman with him from his own office. Those statements were entirely at variance with the information of the noble Lord the Secretary of the Admiralty on which he was basing his Estimates, and he wrote to his noble Friend from Paris suggesting that he should come over and see for himself, being sure that the Minister of Marine would grant the noble Lord the same facilities as he had so frankly offered to him. No doubt, pressing engagements had prevented the noble Lord from doing that, as they had prevented him from accepting the offer of the Minister of Marine; but so anxious was he to arrive at the truth that he consulted with his hon. Friend the Member for Finsbury (Sir Morton Peto), and they sent over a competent engineer who visited the dockyards of France. That gentleman held opinions in regard to the intentions of the Emperor of the French very similar to those of the right hon. Baronet. He had the same idea which the right hon. Baronet appeared to have, that the French Emperor was getting together a vast navy with some remote view of invading England; but when he came back he confirmed, word for word, the statements made by M. Chevalier and the Minister of Marine. He mentioned the subject, too, to the hon. Member for Glasgow (Mr. Dalglish) and the noble Lord the Member for Totness (the Earl of Gifford), who had been members of the recent Commission, and they had visited the principal dockyards, and would be able to say whether the information he had received was correct. Besides that he had analyzed the expenditure of the French navy, and he had shown to the House—as clearly as figures could show—that so far from overrunning the Votes—as it was said that money was voted for one purpose and applied to another—for a series of ten years the expenditure had not exceeded the Votes more than our own expenditure exceeded our Votes. The vote for the French navy last year was £4,900,000, and he had no doubt that the expenditure this year would only slightly exceed that sum. But we were spending upwards of £12,000,000 on our navy. If France was only spending £5,000,000, and if we were spending £12,000,000, what reason was there to fear the power of France? Either we must be managing our business very badly, or France must be managing her business exceedingly well, if France could produce for £5,000,000 that which cost us £12,000,000. He wanted to know why the right hon. Baronet who had held the Office of First Lord of the Admiralty should ask the Government to spend more money on the navy? What would be the effect of the discussion in France? The story would go about that, on the recommendation of one who had held high office at the Admiralty, England was about to vote more money for the building of ships. There were many people in France who seriously entertained the idea that we intended to invade France. [*Laughter.*] Hon. Gentlemen opposite might laugh, but he laughed at those who thought that France intended to invade England, and he had far better reason to laugh at them than hon. Gentlemen had to laugh at those Gentlemen in France who thought that England intended to invade France. If they looked at history, they would find that France had never invaded England; but the flag of England had waved over the palaces of France, and the armies of England had marched into its capital. France had never invaded England, but we had invaded France. Therefore, when a vast English fleet was cruising in the Channel it was not so ludicrous to assume that England intended to invade her again as it seemed to hon. Gentlemen opposite. It would go forth that, not content with spending £12,000,000 on our navy, we were about to spend more money. The people in France would bring pressure to bear on their representatives in the Chamber of Deputies. The Chamber of Deputies would bring pressure to bear on the Throne. More money would be spent on the navy of France, and we should have to spend more money on the navy of England. There was some rumour of nine or ten iron-cased ships being about to be built in France. The gentleman who was sent across was told to inquire particularly into the matter, and he did not see the smallest preparation. He did not mean to say that in time France would not build more iron ships, because five years ago the Emperor had determined on building nothing but iron ships; and the Emperor would, no doubt, steadily carry out his intentions, but the gentleman who was sent to France could find no trace of them, and dust was not thrown in his eyes, for he was allowed to visit the dockyards. Now Admiral Eliott's statement was that he had seen nine or ten in course of building, at which he must say he was very much surprised, for iron vessels could not be built with great rapidity without England knowing all about it.

SIR JOHN PAKINGTON: Fifteen in different states of progress, and excepting the ships at Toulon.

MR. LINDSAY said, he thought it very remarkable that Admiral Elliot should see so many ships in preparation, when only a fortnight before the gentleman who was sent over could find no trace of the nine iron-cased ships. He believed that what Admiral Eliott saw were not the nine large ships which it was rumoured were in course of construction. He was as anxious as any man that England should maintain her maritime supremacy. Not one word had ever fallen from his lips in that House to lead any one to suppose that he desired to see any power superior to England on the ocean. On the contrary, he had said over and over again that, on account of our vast possessions and our enormous wealth always afloat, England ought to be equal to France and any other naval Power in Europe combined. But he had shown to the House that in efficient ships of war—steamships—England possessed more than all the nations in Europe. He said that we possessed 20 line-of-battle ships, and his noble Friend, the Secretary to the Admiralty, admitted that we possessed 17 line-of-battle ships more than all the other nations put together. Setting aside the vessels which Admiral Eliott said he had seen within the last fortnight, and of which no trace was to be found a month ago, France had built and building six iron-cased vessels, mounting from 36 to 52 guns each. The two terrible vessels with which the right hon. Baronet had frightened the House were, no doubt, the *Magenta* and the *Solferino*. They were line-of-battle ships cut down and cased with iron. [Admiral WALCOTT: Not cut down.] Well, then, not cut down. The right hon. Baronet said they mounted 26 guns on each side.

SIR JOHN PAKINGTON: What I said was that they were pierced to carry 100 guns each. But they had 26 guns on each side under armour of the full thickness.

MR. LINDSAY said, that was no new information, and the right hon. Baronet must know that those two vessels were not at all to be compared with the *Warrior* and *Black Prince*. Altogether France had built and building six iron-cased vessels, two of a large size, three mounting 36 guns, and one mounting 40 guns. We had seven iron-cased vessels built and building. If they took either the *La Gloire*, or the *Invincible*, or *La Normandie*, and compared them with the *Black Prince* and *Warrior*, why the *Warrior* was double the size of *La Gloire*, and would carry double the weight of metal. It was the same with the *Black Prince*. These vessels were double the size, so that, in fact, in iron-cased vessels we had more of superior size and power than France now possessed. France, again, had four batteries, but they were merely for the protection of the harbours. She also had five gunboats, mounting two guns each; but, surely, there was nothing in that force to create alarm, or to justify the right hon. Baronet in asking the House to spend more money. The right hon. Baronet, however, came down and made a statement which must excite unnecessary alarm in the minds of the people, and was likely to lead us into trouble with the Emperor of the French, which he was sure the right hon. Gentleman was as anxious as any man to avoid. The right hon. Baronet should bear in mind that, while it was necessary to have a sufficient naval force, which we now had, to maintain our position as the first maritime nation in the world, if we built more ships than were necessary, France would go on building more, and then we must go on building more ships, thus entailing on the people of both countries unnecessary alarm and an unnecessary amount of taxation.

SIR JAMES ELPHINSTONE said, the statements of the right hon. Baronet were more alarming when they reflected that the Government, in the face of information to the same effect, had been voting away money which, before the end of the Session, they would be obliged, in one way or other, to replace. The House must bear in mind that they were dealing, not with mere suppositions, but with fact. A British Admiral of the highest standing in the service had visited some of the French dockyards, and had made a report which ought justly to alarm the Government and the people of this country. Evidence had been given that day before a Select Committee of which he was a member—["Order!"] On the 4th of May, 1858, the keel of the first iron ship was laid in France, and Admiral Eliott told them that there were now 13 frigates and 2 line-of-battle ships in a forward state of construction. His hon. Friend who had spoken last seemed to hold them line-of-battle ships cheap, but the two-deck ships would prove most formidable antagonists for any frigate, more especially as they could carry ordnance of the same calibre, and had the advantage of being able to deliver a double broadside at once. The lower part was cased in $4\frac{1}{2}$-inch iron plates, and the upper in plates sufficiently thick to break a shell but not to resist a cannon ball. It behoved the Government to look into this matter at once, as it was his belief that the Government, from private information, could corroborate every word of Admiral Eliott's report. A committee of scientific men should sit at once to determine the question of iron ships. At the present moment there was such a committee investigating the tensil power of iron, and its capability of resistance as applied to shipbuilding, and he would suggest that certain other scientific men possessed of a competent knowledge of metallurgy and ordnance, should be associated with them to investigate the whole question, in order that we might be placed upon a par with France. It was always to be borne in mind that it was not we who had first commenced this plan of encasing vessels ; on the contrary, it took its rise from the invention of the Emperor himself of certain iron-cased batteries. Now that was a very important matter, and he called on Her Majesty's Government not only to state if their information did not bear out what Admiral Eliott stated, but whether they were not prepared to turn their attention to the question, and to take steps to put the navy of the country in a satisfactory position as compared with the navy of France.

MR. DALGLISH said, that the dockyards of France were by no means in the state of activity which had been described that night when he visited them lately. He deprecated the continuance of such discussions as that they were engaged in, and he would suggest that the Government had better send a Committee over to inquire into the state of the French navy. He was sure the French Government would afford every facility for the investigation, and had no doubt that the Committee would make a report very different to that which had been conveyed to the House in the speech of the right hon. Baronet.

LORD CLARENCE PAGET: Sir, I cannot but agree with the hon. Member for Glasgow, that these periodical discussions on the armaments of France are very unadvisable. It is perfectly true that the French are making considerable progress in regard to iron-cased ships. Within the last few months they have either laid down or have prepared to lay down nine iron ships. I do not suppose that my right hon. Friend desires to create unnecessary alarm ; but he spoke of these ships, as the hon Member for Sunderland observed, as if they were growing up like mushrooms. The French are not really making, as far we are aware, any unusual exertions at present in their dockyards. They pay, undoubtedly, great attention to their navy; they have vast dockyards and a large establishment of artificers, and they are constantly building ships. Of late years they have bestowed undivided attention on this new class of very powerful vessels. But we have no reason to suppose that we are going to be suddenly overwhelmed with a great fleet of these iron ships, although I daresay that in two or three years they will have made great progress. I have no doubt that my Friend (Admiral Eliott) whose great merits as an officer I gladly acknowledge, has made a faithful report of what he saw across the Channel. I think, however, that my right hon. Friend has somewhat misunderstood Admiral Eliott's views in regard to these iron ships. [Sir JOHN PAKINGTON: Not at all.] I also had a conversation with that officer on the subject. Now, it is perfectly true that the *Magenta* and *Solferino* are pierced with 100 ports ; but it does not follow that either will mount 100 guns. Indeed, I cannot conceive it possible that either can do so. They have not sufficient flotation for anything like that quantity of ordnance. The *Warrior* is termed a 40-gun ship, but if we were to put guns in all her ports fore and aft she would number nearly double as many. I doubt, however, whether it would be possible, and I am sure it would be very unwise, to arm those ships with more guns than they can carry with safety. The *Magenta* and *Solferino* carry 52 guns a piece, while the *Warrior* carries only 40 ; but then our ships are intended to mount 100lb. Armstrong guns. I do not believe that the French ships are calculated to carry those guns, for they are not so large or powerful as our own. I would rather avoid at this moment entering into too great details as to our shipbuilding operations. I purposed making a statement of the intentions of the Government on that head when I again brought forward the Navy Estimates. I may, however, say now that the Government have been watching with considerable interest the proceedings of other countries in this matter, and have determined to build five additional iron-cased wooden ships in our dockyards. We have not made any addition to the Estimates on that account. We have frames of timber cut out for line-of-battle ships, and by giving them additional flotation and length we shall render them capable of carrying a powerful armament. When cased with iron these vessels will be of a formidable character. With respect to what fell from the hon. and gallant Admiral the Member for Portsmouth (Sir James Elphinstone) I have no doubt we may expect to derive from the labours of the Committee to which he has referred some very interesting results as to the best means of making iron-cased ships. I will not now further enter into the subject, but will simply say that very shortly we may expect some results from recent experiments which will be of great advantage to us in considering the mode of construction of iron-cased ships. I think the House will excuse me for entering further into detail upon the present occasion.

APPOINTMENTS OF COLONELS.

QUESTION.

MR. CONINGHAM said, before the Motion was put, he wished to take that opportunity of putting a question, in reference to a subject which had excited much public attention of late—namely, the appointment of colonels of regiments. He wished to avoid instancing particular cases or mentioning particular names, but if promotion by selection was to be the system, it ought to be done on the grounds only of the service rendered by the individual appointed. He could not conceive a greater responsibility than the appointment of naval and military officers, and on the question of colonels great dissatisfaction had been created. It was a question that ought, perhaps, it would be said, to be raised by persons in the service, but it was difficult for a professional man to come before the public and make statements on a subject of this kind. He would not refer to any particular case, but would ask the hon. Under Secretary for War, What was the principle upon which those appointments were made, and why, in the last appointment that had taken place, the services rendered by several officers had apparently been overlooked by the authorities at the Horse Guards?

MR. T. G. BARING said, the Government had had no notice of the question, but he would endeavour to answer it. It would have been far more satisfactory if the hon. Gentleman had mentioned the name of the Gentleman to whose appointment he referred. [Mr. CONINGHAM: General Eden.] He thought that even without notice he could satisfy the House that the observations made in respect of this Gentleman were not justified by facts. It had, he believed, been said that General Eden was a guardsman, that he had seen no foreign service, and that he had been appointed out of due order. Those statements were incorrect. General Eden rose to the rank of Lieutenant Colonel in the Line. He had served in the West Indies in command of his regiment, and so far from being appointed out of his turn, he had been several times passed over as colonel by officers who were his juniors, but who had the good fortune of seeing more service than he had. That appointment was, therefore, perfectly justifiable. The appointments to the colonelcies of regiments were made upon the recommendation of the Commander-in-Chief. It was assumed that officers of good service, although they might not have seen distinguished service, should not be passed over, but that officers of very distinguished service should be selected for those appointments before officers who had not the same opportunities for distinguishing themselves. It would be found that in recommending officers for those appointments, His Royal Highness the Commander-in-Chief had acted with strict justice to the profession—neither in that nor in any other case could just ground for complaint be shown. On the contrary, he believed that the opinion of the service was that the appointment of General Eden had been made with strict justice and impartiality.

EXCESS OF MILITARY EXPENDITURE.

OBSERVATIONS.

MR. W. WILLIAMS said, he wished to call the attention of the House to the Report of the Commissioners of Audit of the Army Expenditure for 1859-60, and to the large difference between the amount voted and the amount expended. For clothing and necessaries the amount expended was £715,000, and the amount voted was only £450,000. Under the head of miscellaneous charges the sum expended was £823,000, whilst £562,000 only was voted. There were a great number of smaller votes of the same kind. From the Audit Report of the expenditure for the year 1859-60, which was only just delivered to the House, it appeared that upwards of £860,000 was expended on the army more than the amount voted by the House. The excess was met by taking £2,000 from the Vote for extraordinary expenses of the Russian war, £500,000 from the Vote for extraordinary expenses of the Chinese war, and £4,000 from the Vote for Civil Contingencies. The balance in excess was chargeable against the Vote of Credit for the China war of £312,394. Thus there had been an expenditure of £850,000 upon the army without the authority of that House. He hoped the reasons for such a proceeding would be given, and a promise made that no such surreptitious application of money should occur in future.

COLONEL DUNNE said, he hoped, as the hon. Under Secretary had now told them that the principle on which Generals were selected for appointments to regiments was not alone for distinguished services in the field, but that the War Minister admitted the claims of officers who, unfortunate in not having opportunities to serve their country in the field, had yet served abroad in unhealthy climates and in our Colonies; and as he had stated that General Eden had been in the West Indies, he would be prepared also when the question was next raised to state how long he had been in the West Indies, how long he had served in regiments of the Line, and what were the services of those officers senior to him who had not received the honour of a regiment. He thought it much better to look to seniority where an officer was competent than selection, but a statement of facts such as he had indicated would enable the House to judge of the value of the principle of selections made by the War Department, he thought it obvious that officers serving in parts of the world distant from where war happened to break out should not on that account be deprived of all chances of promotion, but when an officer who had no field-service was promoted over the heads of men not only seniors to him who had seen a great deal. The Minister should give the special reasons which induced him to make such selections, and such it was asserted was the present case. With reference to what had been stated by the hon. Member for Lambeth, it would be in the recollection of the House that when the Estimates were moved last year the right hon. and gallant Member for Huntingdon (General Peel) told them the £500,000 taken for the war in China would not be sufficient. The account partially audited of the expense of the different branches of the military service now showed that in five Votes that right hon. and gallant Gentleman's prophecy had been verified.

COLONEL NORTH said, he was glad that an opportunity had arisen for correcting the impressions which the comments of the public press were likely to convey with regard to the claims of General Eden to promotion. He (Colonel North) had great pleasure in bearing testimony to the merits of General Eden, whom he had known at Sandhurst, and with whom he joined the army in the same year. His gallant Friend was not a Guard's officer. He had served in the West Indies, and had buried half the 56th regiment at Bermuda. If officers only were to be promoted who had been under fire it was difficult to say what could be done. The gallant General, like others, was obliged to serve where his regiment was ordered. Why the House was annually to be treated to the question of the Guards he could not comprehend. On all occasions the Guards had upheld the honour and glory of the country, and he was utterly at a loss to understand why the Guards were to be talked about as a sort of condemned corps. He thought the appointment of General Eden reflected great credit on His Royal Highness the Commander-in-Chief. When appointed he left another appointment by which he was the loser of £3,000. It had not been the good fortune of the gallant officer to be sent out to the Crimea, but if he had he would have distinguished himself as well as other officers. The reason of his exchanging into the Guards was that his health had been shattered in the West Indies.

GENERAL UPTON said, he too, wished to bear his testimony to the professional worth of General Eden. He entertained a high opinion of General Eden as an officer in command of a regiment of the Line. He considered that in all his selections of officers to be placed in command of regiments His Royal Highness had exercised the most anxious discrimination, weighing in the most difficult circumstances the claims of one officer with those of another, both in regard to seniority and the nature of their service, and he felt quite sure that the House might entirely rely on every appointment that was made.

Main Question put, and *agreed to.*

SUPPLY—ARMY ESTIMATES.

House in Committee;
Mr. MASSEY in the Chair.
(In the Committee.)

Motion made, and Question proposed,

"That a sum, not exceeding £2,200,581, be granted to Her Majesty, to defray the Charge of Warlike Stores for Land and Sea Service, which will come in course of payment during the year ending on the 31st day of March, 1862, inclusive."

SIR FREDERIC SMITH said, he would repeat the question he had asked in the earlier part of the evening, as to the appointment of a Committee further to test the merits of the Enfield and Whitworth rifles. The Committee which sat in 1858 on the subject, strongly recommended that its investigation should be continued, and the majority of the Committee were of opinion that greater accuracy was to be attained with the Whitworth rifle than with the Enfield, and also greater penetration into substances fired at. With reference to the Vote he had to complain that the items were too large, and that it did not furnish the House with sufficiently detailed information as to the mode of procuring and the cost of stores. As instances, he particularly referred to the charges for the repairs and purchase of small arms, £524,000; iron ordnance, shot, and shell, £424,483; gunpowder, saltpetre, charcoal, and sulphur, and miscellaneous stores, £790,000, all of which ought, in his opinion, to have been divided. He also desired to know why the charge for experiments amounted this year to £20,000, against £12,000 last year?

MR. T. G. BARING, after expressing his regret that he was not in the House when the hon. and gallant Gentleman originally asked his question with reference to the trial of the Enfield and Whitworth rifles, said, that there would shortly be a new trial of an Enfield musket of a reduced bore and a Whitworth rifle made of similar materials. He would admit that it would, in a future year, be desirable to divide the item for miscellaneous stores, but at the same time he must suggest that detailed information, although frequently useful, did not always facilitate discussion. The reason why the charge for experiments for the year was higher than it was during the last, was, that very expensive experiments had to be made with the Armstrong guns and with iron plates. With respect to the number of small arms, he hoped that at the end of the financial year the stock of small arms would be in a very satisfactory state, and that they might be enabled to reduce the expenditure next year under that head.

MR. W. WILLIAMS complained of the large amount of the Vote—£2,200,000, and asked if the House was to go on increasing in extravagance every year?

COLONEL DICKSON said, he could not understand why this Vote should exceed the similar Vote for last year by £112,473, and he, therefore, should move its reduction by that amount.

CAPTAIN JERVIS observed, that it was most important that we should keep up our stocks of warlike stores. When the Crimean war occurred we had so small a store of gunpowder that we had to draw away every pound that we had in our Colonies; and when the Volunteers were first organized the Government was unable to supply them with arms. Speaking of the Enfield rifle, the fact was often lost sight of, that the weapon did not originate in that manufactory, but merely took its name from the Committee appointed to inquire into the subject having sat at that place. In the trials between the Whitworth and Enfield rifles, Mr. Whitworth found that it was only by reducing the bore that an increased range could be obtained; and he accordingly had the credit of bringing under the notice of Government the fact that great perfection of rifling and sighting could be produced with a small bore. Whether that size would be equally effective in the field as at a target should be left to military authorities to decide; and if they determined in its favour it could be manufactured equally well at Enfield. He, therefore, trusted the hon. and gallant Member for Limerick would not press his Motion to a division.

MR. CONINGHAM said, he was never disposed to grudge money for experiments really beneficial in their tendency; but those which had taken place with regard to iron-plated ships were not calculated to inspire confidence in Government experiments. The Enfield rifle was now acknowledged to be inferior to the Whitworth, although it seemed to be the object of the Committee to establish the superiority of the Government weapon.

SIR JOSEPH PAXTON said, it was Mr. Whitworth who had given to the Enfield rifle the excellent position which it had now attained. In 1843 Lord Hardinge, being struck with the inferior quality of the weapon in the hands of the soldiers, called the gunmakers together, and they made what was then called the Enfield rifle. Mr. Whitworth was sent to America, and, having reported that the manufacture of guns there was very superior, upon his return Lord Hardinge gave him a Commission to make the best rifle that it was in his power to produce. He set about the task with all that skill and judgment which he was know to possess, and produce a very superior weapon. The Committee to whom it was referred to have its powers tested reported that they should like to reduce the Enfield rifle to the same size, and that was accordingly done, but by the alterations which they introduced, borrowing two parts in three of the turn of Mr. Whitworth's barrel, they made the short Enfield a very superior weapon to the long Enfield. Finally, the Committee made no report whatever, but General Hay, who was at the head of the science of artillery in England, and who was undoubtedly the highest authority on the subject in this kingdom, recommended the Government to have the Whitworth rifle extensively manufactured. Lord Herbert, when a Member of that House, had over and over again stated that the Whitworth was a much better rifle, but that the cost, amounting to about £10 each, acted as a prohibition on its manufacture. Necessarily, when made on the same scale as that produced at the request of Lord Hardinge, which was to be the best that could be got for money, they must be expensive weapons, but Mr. Whitworth had stated that if manufactured in quantities, and without any essential difference in quality, they could be turned out for the same price as those now made at Enfield. The question remained in that position at the close of last year, and now the hon. Under Secretary for War informed the House that another trial was about to take place, with what ultimate intention he was of course unable to say. As regarded the Vote, though he declared himself perfectly unable to understand the accounts submitted, he though it much better to trust to Government for the accuracy of the different items than to acquiesce in proposals for sweeping reductions.

Colonel DICKSON stated that the increase of which he complained occurred on the item of miscellaneous stores, which had nothing whatever to do with the real defence of the country.

Colonel SYKES suggested that in future the Estimates should be accompanied by a report containing the details and results of experiments, for the information of that House and of manufacturers of arms.

Mr. AUGUSTUS SMITH pointed out that the sum actually expended in 1860 for warlike stores was £1,126,000, and that consequently the present Estimates showed an increase of upwards of £1,000,000.

Sir FREDERIC SMITH inquired whether the items referring to guns referred stores for guns or to guns themselves? He hoped the hon. and gallant Member would not press his Motion to a division.

Colonel DUNNE remarked that the hon. Member for Truro (Mr. Augustus Smith) must be labouring under some mistake as to the sum expended last year. He recommended the Committee not to reduce the Estimates, but to hold the Government responsible for the expenditure. The House of Commons was not the proper place for discussing the relative merits of guns and rifles. All that they ought to require was that the experiments should be fairly made, and that the Government should select the best weapon.

Mr. T. G. BARING said, the accounts for the year 1859-60 would be discussed when the Supplemental Estimate was moved for making up a deficiency of £200,000 in that year. The expenditure for warlike stores had been greatly increased since the introduction of the Armstrong gun. It was a fact that the sum placed at the disposal of the Secretary of State for warlike stores last year was considerably larger than that now asked for. The Vote last year was £2,358,088, while this year it was only £2,200,510. The item of miscellaneous stores included all the materials used in all the Government factories for the production of every kind of ammunition, excepting gunpowder, and was, therefore, intimately connected with the defence of the country. He attributed the increase on the item to the additional expenditure required for the manufacture of ammunition for the Armstrong gun. That gun was more expensive than the old ones, and its ammunition was also more costly. For the first few years, therefore, there must necessarily be a large expenditure.

Mr. LIDDELL said, of course England could not afford to remain behind other nations with regard to the adoption of new inventions of war; but the expense of the experiments on new weapons of offence and defence ought to be seriously considered, and he hoped the experiments would be certified by scientific men as proper to be made.

General UPTON said, he wished to ask if there were any outstanding debts for arms due to America?

Mr. T. G. BARING said, he was not quite certain that there were not certain outstanding claims for arms in the case of America.

Motion made, and Question,

"That a sum, not exceeding £2,088,108 be granted to Her Majesty, to defray the Charge of Warlike Stores for Land and Sea Service, which will come in course of payment during the year ending on the 31st day of March, 1862, inclusive."

Put, and *negatived.*

Original Question put, and *agreed to.*

House *resumed.*

Resolution to be reported on *Monday* next.

Committee to sit again on *Monday* next.

EXCISE AND STAMPS BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

The CHANCELLOR of the EXCHEQUER said, he intended to reprint the Bill after Amendments had been made.

Clause 1 *agreed to.*

Clause 2 (Licensed Dealers in spirits taking out an additional Licence may retail and send out Foreign or British Spirits in less Quantities than Two Gallons),

Mr. DARBY GRIFFITH said, he had to present several numerously signed petitions from persons who either began business or increased it last year in consesequence of the provisions of the Bill then passed with regard to refreshment houses, by undertaking the sale of wine. He had inquired what kind of wine they sold, expecting that it would turn out to be light wines, but he found, to his astonishment, that the wine was strong wine used for medicinal purposes. They stated that a pint bottle was convenient for the pocket, while the quart bottle was not. He would, therefore, move to substitute "pint" for "quart." The Government had vindicated themselves very successfully from any entanglement with regard to the Galway contract, and he hoped they would clear themselves from any suspicion with regard to being influenced by the innkeepers.

The CHANCELLOR of the EXCHEQUER said, his sympathy was with the hon. Gentleman; but having agreed that a single quart bottle should be the smallest quantity saleable by the wholesale dealers, he could not agree that the clause should be altered to the word "pint." He felt quite sure that the kindly and genial nature of the hon. Gentleman would assist him out of his entanglement with the supporters of a contract on the other side of the water.

Mr. CONINGHAM said, the quart bottle referred to in the clause would in fact be no more than a pint in measure.

Mr. DARBY GRIFFITH said, he would not press his Amendment.

Mr. P. W. MARTIN said, he proposed to add a proviso to the clause, empowering retailers of spirituous liquors to recover for any amount of spirituous liquors supplied by them, and not consumed on their premises. His object was to prevent dishonesty; for many persons, having procured spirits, not for the purposes of tippling, yet, to avoid payment, pleaded the Tippling Act.

The CHAIRMAN said, he doubted whether the proviso was within the scope of the Bill, which altered the Excise duties, while the Amendment referred to the Tippling Act.

The CHANCELLOR of the EXCHEQUER observed, that the point raised by the proviso was not a fiscal one, but an important question of law, very fitting for the House to consider on a proper occasion. He confessed that his own prepossessions were in favour of the proposition; but, as it was not strictly germane to the present Bill, perhaps the hon. Member had better withdraw it.

Proviso, by leave, *withdrawn.*

Lord FERMOY said, he would move, as an Amendment, to add to the end of Clause 2—

"That, notwithstanding any provision hereinafter contained, all penalties to be incurred or recoverable under this section, or in relation thereto, may be sued for by any superintendent or inspector of police, upon information and summons, before the police-court or Justice having jurisdiction in the place where the offence is committed, but the appropriation of the penalty shall be the same as is hereinafter specified."

He asked the Committee to take proper means to see that the law was properly carried out by giving the police the duty of seeing that the rights of the Licensed Victuallers were carried out on the one hand and the law on the other.

The CHANCELLOR of the EXCHEQUER said, he did not object to the introduction of these words, though he would not be responsible for the form of the proviso, which, however, he believed was sound in principle.

Clause, as amended, *agreed to.*

Clause 3 (Any Person may take out a Licence for the Sale of Table Beer by retail not to be consumed on the premises),

SIR WILLIAM JOLLIFFE said, the extension of the beer-house system in the country had been most prejudicial, and he was afraid the clause would be only extending the evil of which so much complaint was made. The houses for the sale of small beer ought to be subjected to the same supervision as the beer-houses. Without such supervision he looked forward with much alarm to the proposed 5*s.* licence. The houses would spring up all over the country, and he believed that a great risk would be run by licensing the house in the way proposed.

THE CHANCELLOR OF THE EXCHEQUER said, the object of the clause was not to create any new houses for the sale of liquor. The houses already existed, and the purpose of the clause was simply to legalize a practice which prevailed throughout the country to the comfort and advantage of the people. The 5*s.* licence was only applicable to liquor of the weakest description, and which was not to be consumed on the premises.

Clause *agreed to;* as were also Clauses 4 to 10 inclusive.

Clause 11 (Who shall be deemed House Agents and require to be licensed as such),

MR. AYRTON said, he hoped the Chancellor of the Exchequer would withdraw the clause, which compelled every person who had anything to do with the letting of a house to take out a two guinea licence. The object seemed to be to protect those who were called "legitimate" house agents by making every person who undertook the letting of a house, say at a watering place, take out a licence. The clause was conceived in the very spirit of protection and reactionary legislation, and he hoped it would be omitted altogether.

THE CHANCELLOR OF THE EXCHEQUER said, that the hon. and learned Member for the Tower Hamlets mistook both the objects and origin of the proposal, and immensely exaggerated the inconveniences which he said would arise from the duty. His arguments applied only to the very limited class of places similar to that from which he had received the communication he had read—namely, the watering-places. The agreements by which furnished houses were taken were already liable to a stamp duty, and it was only following out what was already the usual practice in legislation, first to reduce a duty which was unreasonable in amount to a moderate sum, and, secondly, to bring the persons on whom the payment of the stamp duty depended, under the view of the Board of Inland Revenue by means of a licence so as to ensure its collection. The present proposal was merely to apply that general principle to a particular case, and was not suggested by house agents. The only reason Mr. Ayrton had given for supposing that it was so suggested, was a letter from a house agent, approving, not the tax now produced, but one of a much larger amount. The only sense in which this measure was protective was that it tended to protect the revenue.

MR. CONINGHAM said, he concurred in objecting to that sort of interference, which was accustoming the people of the country to the interference of the police in their private affairs. It was a vexatious interference with trade; and though he was a strong supporter of the general policy of the Chancellor of the Exchequer, he thought that right hon. Gentleman made himself obnoxious by his constant petty interferences, his penny stamps and licences.

MR. AYRTON said, he must be permitted to observe that there was no such principle as was alleged by the Chancellor of the Exchequer. No person was licensed because he used stamps. Persons were licensed to bring them under the purview of the Excise; but then there was a power to take away the licence if they sought to defraud the Exchequer. There was no such provision in the Bill. The measure, if carried would give a colour to an agitation against class legislation. It was a monstrous proposition, and he should divide the Committee on it then, and, if necessary, in a larger House.

MR. ALDERMAN SALOMONS thought that the clause was neither more nor less than an attempt to throw the whole letting of lodgings into the hands of the auctioneers.

MR. FRANK CROSSLEY said, he wished to know whether the tax would apply to persons in the habit of collecting rents? He had received a letter from a constituent who collected rents for a friend at a distance, and he wanted to know at what point the operation of the law would begin and end?

The CHANCELLOR of the EXCHEQUER replied in the negative.

Mr. G. W. HOPE asked if it would apply to the letting of farm-houses?

The CHANCELLOR of the EXCHEQUER said, it was entirely confined to the letting of furnished houses; and the 14th Clause would make an exception in favour of all persons whose duty it was to act as agents for landed estates.

Mr. PULLER said, it would be a considerable innovation to put a penalty on all who made agreements not on stamped paper, as many made agreements by letter, and would be much inconvenienced if restricted from doing so.

Motion made, and Question put "That Clause 11 stand part of the Bill."

The Committee *divided:*—Ayes 35; Noes 24: Majority 11.

Clauses, 12, 13, and 14 *agreed to.*

Clause 15 (The Stamp on the Lease of a furnished House may be adhesive; the same to be cancelled),

Mr. HENNESSY said, he wished to ask whether the adhesive stamp would not in some cases be too small for all the parties to an agreement to sign their names on?

The CHANCELLOR of the EXCHEQUER said, he must admit the defect, but it would be very inconvenient to change the law that applied to other adhesive stamps.

Clause *agreed to,* as was also Clause 16.

House *resumed*; Bill reported, as amended, to be considered on *Monday* next, and to be *printed.* [Bill 154.]

House adjourned at a quarter
before Two o'clock till
Monday next.

HOUSE OF LORDS,

Monday, June 3, 1861.

Minutes.] Public Bills.—1ª Consolidated Fund (£10,000,000); Reformatory Schools (Scotland); Customs and Inland Revenue.
3ª New Provinces (New Zealand).

ATLANTIC ROYAL MAIL STEAM PACKET COMPANY—THE GALWAY PACKET CONTRACT.

CORRESPONDENCE MOVED FOR.

The Marquess of NORMANBY having *presented* a Petition from Town Commissioners and Inhabitants of Ballymoney against the withdrawal of the Postal Subsidy to this Company, proceeded to move an Address for, Copies of the Correspondence between His Excellency the Lord Lieutenant of Ireland and Her Majesty's Government on the Subject of the Contract with the Atlantic Royal Mail Steam Packet Company. The noble Marquess said he postponed his Motion the other evening because there was business upon the paper which was likely to occupy considerable time, and he was also influenced by a hope that he should be able to introduce the subject to their Lordships' notice freed from any circumstances of temporary irritation. The subject of the relations between the local Government in Ireland and the Imperial Government was one of great importance, and would best be considered apart; and he regretted that a Minister of the Crown in "another place" had thought fit to introduce into the discussion a topic which it was impossible to pass over without notice. An attempt had been made to prejudice the consideration of the question to which he was about to call their Lordships' attention by insinuating that there was a connection between a supposed negotiation for a corrupt object and the votes of certain Irish Members upon a recent occasion. That allegation was made by the noble Lord the Member for the City of London, who justified it by its great notoriety, it having been publicly stated in the principal public organ of this country; and the noble Lord evidently desired that his belief in the statement should receive an equally wide circulation with the allegation itself. It was the duty of any one who sought to introduce this subject to their consideration to take the earliest opportunity of stating that the allegation was totally unfounded, and that there never had been any intention on the part of any-one of entering into such an arrangement as that described by the noble Lord, that the Irish Members would give their support to the Budget upon the express understanding that the Galway contract should be renewed for six months. The noble Lord, with unnecessary indignation, had disclaimed any participation in such an understanding; but he must have known at that time that the Irish Members had never solicited any such favour from the Prime Minister, because that noble Viscount distinctly stated that he considered the person who waited upon him had no authority in the matter. And yet, in the face of that declaration, the noble Lord the Member for London stated that an interview had been requested of his noble Friend at the head of the Government on behalf of the Irish Members by a person who seemed to have a right to ask it. It could not have been from the head of the Government that the noble Lord learnt that. The Irish Members would, no doubt, defend themselves; but he (the Marquess of Normanby) thought twenty-four hours ought not to be allowed to pass without protesting against the acceptance as a proved fact of the noble Lord's assertion, which really never had any reliable foundation.

The particular subject to which he now wished to call their Lordships' attention was the statement of the Lord Lieutenant in relation to the Galway contract. It was necessary to bear in mind that the only connection which existed between the decision upon the Galway contract and the vote upon the Budget arose from their juxtaposition in point of time. But whose fault was that? Clearly not that of the Company, nor of the Irish Members, but of the Government, who chose such an inappropriate moment for action. It would be supposed from the insinuation that had been made that the feelings of the Irish people towards the present Government were so cordial that a hostile vote could only have been caused by a desire to exercise an influence upon the question of the Galway contract. But did facts really show that the people of Ireland were friendly towards the present Government? Had the law officers of the Crown in Ireland been able to find seats in the other House? Without entering into particulars of the causes, he might observe that with respect to the noble Lord the Member for London the Irish people regarded him as actuated by different feelings towards them since the memorable epoch of the Durham letter. Whether justly or not, it was said that the general feeling of the Irish Roman Catholics was that the noble Lord in all his communications with them had not treated them with that consideration which his former career entitled them to expect from him. In that state of things a deputation waited upon the Lord Lieutenant of Ireland a few days since, when that distinguished nobleman gave expression to his personal feelings in very consolatory terms, but it appeared that he had not the power to give the assurances which persons in his situation might be expected to have the power of giving. He did not intend to cast the least reflection upon the present Lord Lieutenant of Ireland, for he was convinced that the last shred of popularity which the present Government possessed in that country arose from the personal character of the noble Lord. In answer to the deputation the Lord Lieutenant said—

> "I beg to assure you that I have not waited until now to express my sympathy with the views and wishes which you have laid before me. I should most sincerely regret the final disappointment of the hopes which gave birth to the contract of the Government with the Royal Atlantic Mail Steam Packet Company. It is only fair, while I perceive the force of many of the considerations set forth in your memorial, that I should mention that I have not been made acquainted accurately, or in detail, with the arguments that are alleged on the other side of the question. I shall not fail to transmit your views for the earnest consideration of Her Majesty's Government, and to entreat for them the most favourable reception which they can find it consistent with their duty to bestow."

Whether that statement was to be regarded as an avowal or a complaint, it was one of the most extraordinary declarations ever made upon an important subject by a high functionary administering the Government of that country. But the terms of the noble Lord's reply proved that at that time he thought the question was still open for consideration. One of the strongest reasons why the noble Lord, the Member for the City of London, ought not to have thrown out the imputation he did against those gentlemen, that they had endeavoured to enter into some negotiation of which he complained, was that at that very time he held in his hand a statement on the part of the Company, and a memorial signed by fifty Members of Parliament of all sides—mostly Irishmen, but some English Members, such as Mr. Leatham, Member for a manufacturing town in the north. These fifty names were appended to a very temperate document, declaring that they considered the proposal of the Company a reasonable one, and begging to recommend it to the favourable consideration of the Postmaster General. So that, in point of fact, not only had the Irish Members no idea of resorting to any indirect and corrupt means, but they had actually taken this course of representing the matter in a fair and moderate tone, which they thought might be effective to the Postmaster General. This contract, as their Lordships were aware, had been originally entered into under the Administration of his noble Friend behind him (the Earl of Derby), under the auspices of his noble Friend the late Lord Lieutenant of Ireland (the Earl of Eglinton). He would not, in his noble Friend's presence, say what every one knew of his eminent qualities to fill that office; but he would say this, that he had the good fortune—which he himself knew to be the greatest requisite for the effective discharge of its high duties—to be in intimate communication with the Prime Minister of England. That fact, which was well known, gave the greatest weight to the position which his noble Friend sustained as Lord Lieutenant. He knew this from his own experience, because, during the four years he was in Ireland, he had been in weekly, he might almost say daily, communication on subjects both local and imperial with the then Prime Minister, his late Friend, Lord Melbourne. Being known to be in possession of the views and feelings of the Prime Minister did give to the decisions and acts of the Lord Lieutenant a force which nothing else could supply. That being the case, he was sorry to say that during the last two years this contract had been uniformly viewed by the Government in a harsh and captious spirit towards a Company which was fairly endeavouring under extraordinary difficulties to carry out the duties they had undertaken. He hoped that some one better acquainted with the details than he could pretend to be would explain to their Lordships the whole facts of the case, but he could not help remarking on the extraordinary moment and the extraordinary manner in which the contract had been annulled by a letter which he did not take to be the production of the noble Lord opposite (Lord Stanley of Alderley)—it was the act of the Government, for it was founded on and accompanied by a Treasury Minute. For sixteen months after the contract had been entered into there was a Committee sitting on the subject in the other House of Parliament, by which the Company was kept in suspense, and they had reason to suppose that the decision of the Committee would be against them until the Government intimated to them that the contract was to be carried out. Therefore, it was not fair to consider the contract commenced until after the termination of those sixteen months—namely, in August last. The reason for immediately determining the contract was connected with the Company's sending a particular vessel across the Atlantic. He would not pretend to say what might be the result, but he should not be much surprised if that vessel made a peculiarly short passage. But at any rate the Government ought not under the circumstances to have behaved in so harsh a manner. Throughout the length and breadth of Ireland there was for the first time, independently of all party feeling, a universal desire that this contract, which was believed to be well calculated to conduce to the welfare of that country, should be restored. He did not mean to say that it ought not to be carefully watched; that Government were bound to do; but, at the same time, not in a harsh and capricious spirit. His firm belief was, although the contract might for a time be stopped, the parties could not fail to obtain that to which their local position gave them overpowering claims, a fair share of the Atlantic communication, which was likely to be more and more enlarged. No other port could at all compete with the western coast of Ireland in offering facilities for short and speedy communication with America; and he felt perfectly assured that sooner or later—he hoped sooner rather than later—the object of these petitioners would be attained. The noble Marquess concluded by moving the address.

Earl GRANVILLE: The noble Marquess has imported into the discussion of the subject of which he has given notice a variety of questions raised in the House of Commons the other day with respect to the conduct of the Irish Members. He has referred to certain rumours which, he says, were first mentioned publicly by the noble Lord the Member for London, and which had no foundation. Now, I think it is not only improper but highly inconvenient to discuss here debates which take place in the other House, and I think it is still more inconvenient that this should be done in a manner which, as far as my recollection goes, is not quite accurate. The noble Marquess has not stated the facts with the correctness which is desirable in such a matter. I do not believe that it was the noble Lord the Member for London who first alluded to the rumours to which the noble Marquess has referred. It was an independent Member who first made allusion to them; he was followed by the leader of the Opposition, who also referred to them, stating his belief that they were not true; and all that the noble Lord the Member for London said was that if any such request had been made by the Irish Members, or if any such concession had been made by the Government, it would have been disgraceful to the parties concerned. I think his words were that "it would be better that ten Governments should fall in consequence of not making such a concession than that one should be kept on its legs through following another course." If that is a correct description, as I believe it is, of what fell from my noble Friend, then I must say that his declaration was one which your Lordships on both sides will feel to be straightforward and honourable. The rumours to which the noble Marquess referred seemed to have originated from Father Daly, a gentleman who has taken an active interest in this matter, having taken upon himself to speak for the Irish Members, they subsequently declaring that he had no authority for so doing. I am not quite sure, judging from what has fallen from the noble Marquess, whether he has authority to speak for the Irish Members; and, until I have received certain information upon that point, I think it will be better for me not to follow the noble Marquess into all the details which he has brought before your Lordships. All I can say is that if the question of the Galway contract did influence the votes of individual Members on a recent occasion, I have no doubt those Gentlemen were not animated by any feelings of a selfish character, but were actuated simply by considerations involving the advantage of that portion of the country with which they are more particularly connected. The noble Marquess has indulged, not for the first time, in an attack upon the noble Lord the Member for London, and, repeating what he said elsewhere, has charged him with a change of political opinion. I have some difficulty in answering the noble Marquess upon that point. There are few public men who, during a long life, have not changed their opinions, even on some important question, and they are right to avow such changes. I must say, however, having watched the career of the noble Lord the Member for London, that he is less open to any imputation of that sort than at least most public men. But I must frankly confess that upon the subject of changes of political opinion the noble Marquess can speak with infinitely more knowledge and experience than myself. Turning to the merits of the Galway contract case, I have no doubt that my noble Friend the Postmaster General will be ready to go into them if necessary. My own individual opinion is that my noble Friend having acted in concert with his colleagues in every step he has taken in the matter, he is more open to the charge of having shown undue leniency to the Galway Packet Company than to that of having treated them with undue severity; but the present is not a convenient time for discussing that question. Certain papers have been presented to Parliament, but others have still to be produced; and I think your Lordships will be in a better position for eliciting the truth when you are in possession of all the documents relating to the case. Meanwhile I shall merely say that some years ago I had the honour to preside over a Commission appointed to consider the advantages of having a packet station in Ireland, and the relative merits of different ports. Upon the latter point—the advantages and disadvantages of different ports—we gave no decided opinion, but we showed in what way the voyage might be accelerated, and how this would tend to the benefit of the whole country. It is quite clear, indeed, that if any proposal were made from Galway or elsewhere to establish a packet communication with America, the Government would be bound—as every Government would be bound—to give it a full, fair, and impartial consideration. As regarded the Motion of the noble Marquess, he had to state that there had been no official correspondence between the Lord Lieutenant of Ireland and Her Majesty's Government on the subject, and, therefore, there was none to produce.

The Earl of EGLINTON said, he did not rise for the purpose of defending the noble Marquess from the attack which had been made upon him by the noble Earl—the noble Marquess was quite able to defend himself—but he might be permitted to say the taunts of the noble Earl were cheered by some who were at least as open to animadversion as the noble Marquess. His object in rising was to make a few remarks on the question of the Galway contract—and he knew of no question on which so much misstatement had gone abroad, or on which there had been so much unfair writing and speaking. Charges of the grossest kind had been brought against the late Government—accusations of their having purchased political support and of having attempted to make political capital in Ireland by means of the Galway contract. He was obliged to the noble Marquess for giving him an opportunity of contradicting in the most emphatic manner these monstrous accusations. Let their Lordships suppose for a moment that the Galway contract was a mistake, a blunder, a bad investment of the public money—let them even suppose that it was entered into partly with the view of influencing the feelings of the Irish people before a general election, and of rendering the Government popular—nevertheless, he appealed to their Lordships whether that would be half so bad a case as throwing away £1,300,000 of indirect taxation, and repealing a comparatively inoffensive and increasing tax, very much for the purpose of conciliating a certain powerful demagogue who had embarked in the speculation of a penny newspaper, and that small party who own him as their leader Now the real facts of the case of the Galway contract were as different as possible from that to which he had just referred. He had no hesitation in avowing himself guilty of this delinquency of the Galway contract, if a delinquency it had been. He avowed himself to be the great delinquent in the matter. He had no hesitation in saying he was the originator of the Galway contract; that he approved of it, and was answerable for it. He would state the reason which induced him to favour the contract. When he was first in office in Ireland he found that a strong national feeling had long existed in favour of the establishment of a steam communication between North America and some Irish port. It did not require much penetration to see that if such a scheme were successfully carried out it would be advantageous to Ireland, and he accordingly lent a willing ear to it, though he saw the difficulties in the way. The claims of various harbours were brought before him—those of Galway especially were recommended as the port from which the shortest voyage could be effected between the United Kingdom and America; but he felt that, however grateful he might be to the people of Galway for the almost royal reception they had given him, and however much he might desire to restore the prosperity of that interesting old city, his duty was to submit the case of Ireland generally to the Government as to the place at which a mail packet station might be most beneficially established in connection with America. He induced the Government to appoint a Commission to investigate the claims of the different Irish ports for this transatlantic communication. The Commission reported in favour of establishing a steam communication between Ireland and America, and they named Galway and Foynes as the harbours best suited for the purpose, giving the preference rather to Foynes. On his return to Ireland in 1858, to his surprise and pleasure, he found a company established at Galway for steam communication with America; that large ships had been placed on the station, and that it only required the countenance of the Government to make the enterprise permanent and successful. He had only to look at the map to see it was the shortest route to America, and it was shown to him that the voyage could be done in less than five days; he had, moreover, every reason to believe from the inquiries that he had made that the company was perfectly solvent. So long, he might add, as it was an open question which of the Irish ports would form the best station for the purposes of Transatlantic communication he had felt to some extent debarred from making a recommendation in support of any one of them in particular. When, however, he found what he believed to be a powerful company had selected for themselves the route in question, which had been favourably reported upon by a Royal Commission, he no longer hesitated to urge upon his noble Friend who was then at the head of the Government the expediency of assisting by means of a subsidy, or in some other shape, an enterprise which had been so auspiciously and unexpectedly set on foot, and which appeared to open to Ireland the prospect of increased commercial advantages without, in his opinion, being at all likely to operate to the detriment of any other part of the United Kingdom. He felt, he might add, more particularly justified in taking this course, because he found they were already successfully carrying out the mail service with Newfoundland. So constantly, indeed, had he pressed the subject on the attention of his noble Friend that he had no doubt he began to detest the very name of Galway, as was now very probably the case with noble Lords opposite and their colleagues in both Houses of Parliament. Be that, however, as it might the subsidy was at last granted—a subsidy, be it remembered, not for the payment of a large sum of money on the mere chance of the Company performing their engagement, but a sum paid for each trip for work absolutely performed, and withheld for work not done, and that under the most stringent regulations, as the Company had since found to its cost. Such, so far as he was aware, was the history of the Galway contract; and he could most truly and solemnly declare that in the part which he took in the matter he was actuated solely by a desire to benefit a country which had been committed to his charge, feeling, as he did, that he might do so without any disadvantage to the rest of the United Kingdom. He was influenced throughout the whole transaction by no desire of making political capital, or obtaining a stray Irish vote for the Government of which he was a member. Not only would he have scorned to recommend the granting of the subsidy on that ground, but he had no idea that such an effect as that to which he alluded would result from the course which he pursued. If, indeed, any idea of that kind had crossed his mind at all, he could have hardly failed to perceive that the benefit conferred upon Galway would be likely to give rise to a feeling of jealousy, which it actually did in Limerick and other parts of Ireland, while he would have looked upon Galway itself as too hopelessly hostile to the party to which he belonged to hope that it would derive any accession of strength from that quarter. That opinion would, no doubt, have been falsified by facts, for a Gentleman who supported the Conservative party had since been returned for Galway; but in the division by which the Government of his noble Friend near him was turned out of office he believed the question of the contract did not make the slightest difference, except, perhaps, so far as the vote of the Gentleman to which he had just referred was concerned. Having said thus much he should not enter further into the subject—which he had felt it to be his duty to enter upon at greater length than other noble Lords — beyond saying that he thought the Company had been somewhat hardly treated. It appeared to him that the Company went into the contract with great vigour, and that their energies had been continuous from the first, though they had been dealt with in a most hostile spirit. Scant justice appeared to have been for some time past dealt out to them, and he could not help expressing a hope that for such a state of things a remedy might be afforded.

THE MARQUESS OF CLANRICARDE, as one interested in the locality to which the discussion related, wished to bear testimony to the importance of the question at issue. That question the noble Lord the President of the Council seemed to intimate was one which, so far as the Government were concerned, he considered as still open?

EARL GRANVILLE was understood to say, in explanation, that what he had intended to convey to the House was that the general question of the expediency of establishing communications between Ireland and America was one on which the Government had pronounced no decision.

THE MARQUESS OF CLANRICARDE: Well, passing over that point, and referring for a moment to the remarks of the noble Marquess who had brought forward the subject, with respect to the alleged attempts at corruption made in the present instance by the Irish Members, and their endeavour to seduce the noble Lord at the head of the Government into the adoption of a particular course, by the threat that they would desert him at a critical moment if he did not accede to their wishes, he must be permitted to say that he did not believe a word of the story. He knew that noble Lord too well not to be perfectly satisfied that no man who was acquainted with his character and general public conduct would be fool enough—to put the matter on no higher footing—to make to him such an intimation. While, however, he placed no faith in the statement to which he was alluding, he could tell their Lordships, of his own knowledge that the Irish Members might have told the noble Lord with justice that since the days of the Volunteers of '82 no feeling so unanimous in opposition to a particular measure had manifested itself in Ireland as that which prevailed in the case of the annulling of the Galway contract. In Belfast and Ballymena, in Drogheda and Dublin, the state of feeling on the subject was precisely the same; while Waterford and—to her honour be it said—Limerick had spoken out their opinions in favour of Galway Packets. That a very strong feeling on the subject should have been created was, indeed, to be expected; and he felt perfectly astonished that no communication was made to the Lord Lieutenant of Ireland before taking a step which involved consequences of the utmost importance to Ireland. As to the utility of the office of Lord Lieutenant different persons entertained different opinions; but no one could deny that so long as the office existed, the individual filling that position was not only the instrument of the Government in Ireland, but the person to whom they ought to apply for information on all questions affecting the interests of that part of Her Majesty's dominions. Petitions, memorials, the expression of public opinion furnished by meetings and through the press all tended to show that the present was a question which was regarded in Ireland to be of the utmost importance; and great as might be the mistake of a Government which had evoked the feeling which now existed in that country with respect to the withdrawal of the Galway contract, there remained behind the equally grave question whether that feeling was or was not justified by the occasion? That was a question which for his own part he was prepared to answer in the affirmative. But in endeavouring to prove the justice of that view, he did not propose now to enter at any length into the details of the contract as entered into in April, 1859, or of the manner in which the Atlantic Company had carried out its engagements; but it was necessary briefly to refer to the origin of the contract. The subject, of Irish American Packets, he might observe, was by no means a new one. With the application of steam to Atlantic voyages, the subject, of course, became more interesting, and was more forcibly brought before the public; and in 1858 certain persons, who had already steam-boat enterprizes in the west of Ireland, seriously turned their attention to the question of establishing a communication between Ireland and America, and, in concert with persons of capital in England, determined to get up a Company for that purpose. Application was made to the then Government for assistance, and he must say that they were prompt but not hasty in giving that assistance. They well considered the matter, and at last assistance was given—he might almost say reluctantly—and he believed that never was more undeserved abuse cast on any set of Ministers than that attempted to be thrown upon the Government of the noble Earl opposite in respect of this matter, because the Ministers fairly considered whether Ireland had not a right to be assisted in developing the full advantages of her geographical position when combined with the interests of the whole commercial world. The noble Marquess here quoted from the *Life of Pitt* by Lord Stanhope —who, he stated, was entitled to take a high rank among historical writers — a passage describing Pitt as saying that there were two ways of dealing with countries situated like Great Britain and Ireland—either to make the smaller country subordinate to the greater, and a mere instrument for the advantage of the latter, or to make it the participator in a community of benefits and a system of equality and fairness which would aggrandize the interest of both. He believed the last view was a fair description of the policy which the noble Earl opposite intended to adopt when he entertained this question of establishing a steam communication between America and Ireland. At the election in 1859 not a word was uttered at the hustings in disapproval of the noble Earl's policy in this respect; nor when Parliament met was one word said against it. Circumstances had occurred which made the question of packet and telegraphic contracts one of great interest, and a Committee was appointed to inquire into the subject, but the new Ministry never hinted to the Atlantic Company that they had the slightest disposition to cancel the contract. He had said that he would not go into details with respect to the manner in which the Company performed the contract, which was a great deal too stringent in its provisions as regarded the Company. He was ready to admit that there had been many failures, and the noble Lord at the head of the Post Office was welcome to that admission; but the noble Lord was not welcome, and would not be permitted, to treat Ireland in an unfair spirit and to take from her together with the pound of flesh what she considered her heart's blood. This was not an affair to be treated lightly, for it was a serious matter to provoke the opposition of a whole country, and it behoved those who had to administer the affairs of the kingdom to consider the effect of such a course, both at home and abroad. As to the manner in which the contract had been performed, if the Government had come with deliberation to the determination that the Company was not in a condition to carry on the great work they had undertaken, the Government might have given fair notice to that effect, and then the result would have been a surprise to no one. They might have acted in that way in the course of last year. But what did the Government do? He believed that they were exceedingly indulgent on some occasions to this Company, but at last the Post Office dedecided not to send out the mails on the 7th of May by the *Parana*, because she only went on her trial between eleven and twelve knots an hour; and a few days afterwards Government put an end to the contract, and to direct communication between Ireland and America. He thought that not a statesmanlike course of proceeding, and it justified the great warmth of feeling which still continued on the subject. He asked their Lordships whether they considered the ground stated in a Parliamentary paper for stopping the mails from going by the *Parana* to be sufficient for terminating the contract? The *Parana* was surveyed on the 3rd of May, and the surveyor reported that her average speed was only between eleven and twelve knots an hour, and, therefore, that he did not think that sufficient to secure her passage to St. John's in six days. The whole question turned on this point. The *Parana* had on a former occasion reached Boston one day and some hours under the contract time, yet the Postmaster General had stopped the mails of the United Kingdom and of Europe upon an unfounded suspicion on the part of the surveyor that the *Parana* could not make the voyage within time. The whole case for breaking the contract turned upon the efficiency or inefficiency of this vessel, for if the vessel when tried at Southampton had been found to have a speed of twelve to thirteen knots instead of eleven to twelve the contract would have stood to this day. His noble Friend at the head of the Post Office thereupon wrote to say—

> "The failure of the Company to provide an efficient steamvessel for the conveyance of the American mails of the 7th of May has rendered it necessary that the Postmaster General should again consider the obligations of the Company under their contract, the manner in which those obligations have been fulfilled, and the means possessed by the Company for continuing the mail service."

Thus the question whether the Government were justified in breaking the contract rested solely on the speed of the *Parana*. He doubted whether, if the matter were one that could be brought before a Court of Equity, the Postmaster General would be held to have had any legal right to refuse the *Parana*. There was, therefore, the more reason why his noble Friend should have carefully considered the whole case, and have shown to the people of Ireland, to Parliament, and the commercial public, that he and the Government had provided the best substitute in their power for the Galway contract. There had been some talk of economy, but the Post Office would have saved money by sending their letters by the *Parana* under the contract. An impression had gone abroad, which appeared to be entertained by the Secretary of State for Foreign Affairs, that if this contract had been suspended for six months the Company would have received £36,000 during those months. But his noble Friend (Lord John Russell) did the Postmaster General a great injustice if he thought he had been paying at that rate for the services actually performed by the Company. Since the commencement of the contract in June last how much did their Lordships suppose the Company had received? They had made during the whole year six complete voyages both ways and one voyage out besides those not in accordance with the terms of the contract, yet so many fines and penalties had been imposed that the whole payment from the Government to the Company had only amounted to between £15,000 and £16,000. What had been the result of the abrupt determination of the contract? Why, the benefit of early intelligence to British property during the last month might have been more than the value of the whole contract. What were the chief topics of interest in the news from the United States at the present moment? The effectiveness or otherwise of the blockade of the Southern ports, and the views of the American Government on the right of search, and the principles of international law. Our underwriters and shipowners were deeply interested in obtaining the speediest news on these points, and yet this was the moment chosen by the Government, for the sake of making a small saving, of putting an end to the quickest communication with the United States. He believed that if the Post Office had allowed the Company to continue the service the latest news received from the United States would have been anticipated by at least five days. The decision of the Government, it was clear, had been hastily adopted; and if the Irish Members withdrew their support from the Government it was not they but the Ministry that had been guilty of inconsistency, because the Government had held out the assurance that they would carry out the policy of their predecessors in maintaining this communication by Irish packets with the

United States. He trusted that the final decision of the Government would yet be in favour of renewing this contract. Whether the recent evident change in the opinion of the Government had been caused by the representations of the Lord Lieutenant or by the manifestations of popular feeling, it was a perfectly legitimate course for his noble Friend at the head of the Government to win the confidence of the people of Ireland, aye, and of the commercial public of this country, by doing that which would promote their interests, and at the same time secure for the Government a great and deserved popularity in Ireland.

Lord STANLEY of ALDERLEY: — My Lords, the Government are anxious to promote postal communication with America, and there is no objection on principle to establishing such a communication between Galway and America, and the chief objection to the contract with the Galway Company was not that the contract was made for the benefit of Ireland, but that, contrary to the universal practice, as stated by the late Secretary of the Treasury, Sir Charles Trevelyan, it was given without competition, and without any notice to any of the great public companies, or to the mercantile community, that might have enabled them to enter into a competition for giving the service on the terms most advantageous to the country. The question itself is divided into two distinct parts. The first is whether the contract has been properly performed by the parties who have entered into it? If a contract is not fulfilled by one party, I have never heard that it could be made a just charge against the other party that it put an end to it. But I will go further; I will admit, if we had pushed the conditions to an extreme, and terminated the agreement on the very first omission to fulfil its terms, we should not have acted with a fair liberality. But a very short history of the proceedings under the contract will, I hope, satisfy your Lordships that so far from having treated the Company with severity it has been shown more than usual indulgence. We have from time to time met every application the Company has made to us. It has from the first moment been allowed on many different occasions to employ vessels that did not answer the conditions of the contract; it was allowed temporarily to alter the voyages from once a fortnight to once a month. Then the Company, not having a single vessel fit for the service, made another application to be allowed to postpone the service for four months to the 12th of March. That was also conceded. But under these circumstances it is quite clear that it was competent to the Government to terminate the contract without any imputation of harshness. The Government, however, said we will suspend the contract for the time you yourselves name, but solely and entirely on this condition, that if at the end of that time you are not ready with proper vessels, under the terms of the contract, it will be terminated. It is very inconvenient to the public service that a contract should be changed, mutilated, or imperfectly executed; and that there should be no certainty of the Company having proper vessels ready to perform the duty, particularly in this service, of which speed is such an important element. It is most necessary that the vessels should possess the power and speed that would enable them to perform the voyages within the time stipulated; but only once has the voyage from Galway to St. John's been performed in six days since the commencement of the service. In every case except one the Cunard boats have made as short or shorter voyages from Queenstown to Boston and New York than the steamers from Galway. It, therefore, comes to this, that as far as a direct communication between Ireland and the United States is concerned, no advantage has been gained by the establishment of the Galway line of packets; equal advantage has been derived from the Cunard steamers and Liverpool line touching at Queenstown, and from the other lines of steamers that run from Liverpool, calling at Londonderry, without receiving one sixpence of subsidy. The Company had certainly a right to require from the Government full and due notice that in the event of certain circumstances occurring the contract would be put an end to. My Lords, I can refer to the correspondence to show that not once only, but repeatedly, the Company has had such notice. The suspension of the service from October to March was only granted on the clear understanding that if the Company had not, at the end of that period, proper vessels for the recommencement and continuance of the service, the contract would be terminated. And what was its condition at the end of the term? On the 26th of March the Company had not a single qualified vessel to go to sea. I am obliged to say that under these circumstances I felt it extremely difficult to avoid carrying into execution the declaration made when the extension of time was granted; but on very urgent representations being made to me of an accident that had occurred to the *Hibernia*, the Company was allowed to forego a voyage on payment of a fine; but it was declared to them that they were not to be allowed to resume the service unless they had efficient vessels. On the 7th of May a vessel was offered for acceptance by the Government. It was the *Adriatic*. This steamer fulfilled the conditions of the contract, and has performed the service admirably. Had all the vessels been equal to the *Adriatic* no question would have been raised. The next vessel, the *Columbia*, had been so strained that she was obliged to go into dock at Liverpool to be repaired, and would probably be retained there four months; and the *Hibernia*, even on her way from Southampton to Galway, was so injured, that it was stated she would not be fit to go to sea for three months. The Company, therefore, has not a single efficient vessel but the *Adriatic*, and the *Adriatic* was still on her American voyage. The Company, therefore, had not a single vessel ready for the next voyage. Under these circumstances the Company offered the *Parana*. The Government agreed to accept the *Parana* if the Admiralty surveyor, whom they were bound to consult, reported her fit for the service; but the report the Government received was that the *Parana* had not speed enough to perform the service she was bound to perform under the contract, and that he could not recommend her. Under these circumstances I ask my noble Friend, had he been Postmaster General, could he, with such a report in his hand, have consented to send out the *Parana?* It really is of vital importance to a service of which speed is such an essential that the vessels should be sufficiently fast for the purpose; it is speed alone that makes the service valuable. I admit that the communication with Newfoundland is a most important one, and I should be sorry to see it dropped; but to effect it with advantage the vessels must have speed enough, according to the contract, to perform the voyage within six days. If they take a longer time than that the communication is of comparatively little advantage. No advantage has been gained by the substitution of Galway for Queenstown. I must, therefore, contend that there is no ground for charging the Government with unduly pressing on a particular Company, or with a want of feeling for the interests of Ireland. It is not possible that the Company could have been treated with more consideration. And what would have been said if the Company had been allowed to continue the contract when they notoriously had not performed it? The Government is already open to the strongest representations from the mercantile community generally against the policy of subsidies to lines of steamers running to ports of the United States to which communication already exists, while any assistance is refused in aid of the Canadian line of communication direct between England, Ireland, and the St. Lawrence. Under these circumstances it would have been impossible for us to continue any lax indulgence to the Galway Company after the ample notice it had received. Is it possible, then, after all that has passed, to accuse the Government of having acted harshly or unjustly towards the Company? I can say with the utmost sincerity that Her Majesty's Government and all those with whom I am politically connected have never shown any indifference to the feelings or the interests of the Irish people. The noble Marquess who introduced this Motion (the Marquess of Normanby) when he accused my noble Friend the Secretary for Foreign Affairs of having changed his political opinions, should, I think, have recollected from what party he received support and from what party he encountered opposition when he was himself pursuing a truly liberal policy in Ireland; and I am, therefore, surprised that he should have ventured to come forward and in a similar spirit endorse the accusations which have been made against the Government on this subject. I propose shortly to lay on your Lordships' table the whole of the papers connected with this matter. I do not wish to withhold one single letter or iota of the correspondence. Your Lordships and the other House of Parliament will be able, after reading those papers, to form your own judgment on the conduct of the Government, and, however much we may regret the feeling which prevails in Ireland, I think, upon calm consideration, it will be found that it would not be just to visit us with condemnation for the course we have adopted. No man can be more anxious than I am at this moment to see an early opportunity offer for promoting direct and immediate communication between that country and America, and my only desire is to see it established on the best and soundest foundation.

Lord BROUGHAM said, it was impossible to deny the fact that this moderately important question had excited a more universal and intense feeling throughout the whole of the sister kingdom than any other question, great or small, within their memory. Men of every party and sect, and of every class, and whether employed in agriculture or trade, had united together with unexampled unanimity upon this local question. He, therefore, hoped it would be yet found possible, notwithstanding what had passed, for the Government to excuse this Company to a certain extent for the non-performance of their contract, and to renew this contract with the Galway Company, provided the Government had reasonable grounds for supposing that the Company would for the future be able to perform their part of it. He could not sit down without adverting to a point referred to by the noble Marquess in reference to this subject—namely, the rumours, or rather positive statements, as he (Lord Brougham) would call them, that, upon the authority of a Cabinet Minister, an attempt had been made on the part of certain Irish Members of the other House of Parliament, to obtain by threats of voting, on a totally different question, adversely to the Government, a promise from the head of that Government that this contract, or subvention, would be continued to the Galway Company. As the noble Marquess stated men must be extremely unwise and exceedingly foolish if they could suppose that any such threats could influence his noble Friend at the head of the Government to betray his duty. It had, however, been shown by his noble Friend near him, that action was actually taken—that was the expression—by the body of Members in question long before the time when this proceeding was alleged to have taken place. Now all that went to show that the charge itself was wholly unfounded. He (Lord Brougham) should, however, like to have a better rebuttal of the charge, and that could only be given by Father Daly himself. That gentleman might either deny that any Irish Members had authorized him to go to the First Lord of the Treasury with their threat and their offers, or he might show that no Irish Member connected with the Galway contract had given him any authority to take that step. It was obvious that if any hon. Member sent a message to a Minister, "If you do not put money in a certain place," which was the old form of a threatening letter, "I will vote against you," or that if the Minister did not give the Member the assistance he asked he would not support him upon a great question which had no possible connection with the subject matter of the application—that a more corrupt proceeding, or a more direct act of offering to be bribed, could not well be imagined. It was in vain for the other House of Parliament to challenge the respect of the community if they allowed such a charge to be made without taking means to rebut it by a thorough investigation. With what justice could they order a poor voter in some borough who had accepted a bribe of £5 to be prosecuted if they were to connive at Members of their own House of Commons offering to sell their votes for a bribe of so many thousands? The facts of the case should be ascertained at once. If Father Daly were examined at the bar of the House of Commons he would declare whether any Member or Members of the other House of Parliament had authorized him to go to Lord Palmerston with that joint menace and promise. If he said he was so authorized, then let him declare who those Members were, and then let it be seen whether or not such Gentlemen shared directly or indirectly in the Galway contract—which circumstance would have the effect of converting this message into an offer to receive a bribe. If Father Daly, however, chose to say that he had no authority from hon. Members to make this statement to Lord Palmerston—if he said that he had merely intermeddled in the matter from over zeal in the good cause—then, of course, there could be no charge made against any Members in reference to the matter. But so long as this statement remained uncontradicted by proof, or unretracted by Father Daly, men would not hesitate to believe that there was good foundation for the report.

The Marquess of CLANRICARDE said, that Father Daly had called upon him before going to Lord Palmerston, and asked him to accompany him. Father Daly, however, did not say a word to him about the propositions which he was represented to have made at his interview with the Prime Minister. Having declined to accompany the rev. gentleman he could not tell what passed at the interview with the noble Viscount. He could only state that

Father Daly said he was going, as he believed he actually did go, straight from his house to Lord Palmerston, but he much doubted whether the rev. gentleman said that he had any authority from any Member of Parliament. Father Daly showed him a paper signed by forty-eight Members of the House of Commons of different shades of politics, who were all in favour of the Galway contract, but he did not say a word to him about the Irish Members voting.

THE EARL OF LEITRIM said, there was a strong feeling engendered in the people of Ireland that they were not being justly treated—that everything was to be taken from them and nothing given to them. It was of very little consequence for them to be told in a case like this that such and such persons had acted improperly. The question with them was whether their country was still to be commercially crippled and depressed, or whether she was to be permitted to rise to the rank of a great mercantile and prosperous community? With regard to the conduct of Father Daly, he had no acquaintance with that person; but he knew the rev. gentleman had taken great interest in the social improvement of Ireland, and, regarding this question, no doubt, as one of vital importance in a commercial point of view, he had been induced to seek an interview with the Prime Minister upon it. There were strong rumours that the Galway Company had met with most unfair treatment from the English Government, and that there was a determination to prevent Ireland from taking the position she ought to occupy as one of the first commercial countries in the world; and if ground was given for these feelings, he feared that most disastrous results would follow. He appealed to the Government to take the matter into their very serious consideration, and would prove that these suspicions were not well founded by establishing—without reference to this particular Company—a communication between the west coast of Ireland and America.

THE EARL OF CLANCARTY thought the noble Earl the President of the Council must have been misinformed when he stated that no correspondence had passed between the Government and the Lord Lieutenant of Ireland on this subject, inasmuch as the Lord Lieutenant had certainly conveyed an impression of an opposite character in his recent observations upon the subject of the Galway contract. He (the Earl of Clancarty) should certainly hear with satisfaction that the Government considered Ireland the most desirable part of the United Kingdom for the establishment of steam communication with America. Galway was undoubtedly the most convenient port for this Transatlantic communication. At the same time, he could not but think that the proposal to throw open the question at a moment when all classes in Ireland had agreed that Galway was the best port for a packet station was a device to cast among them an apple of discord, and to create differences which had not hitherto existed among them. He thought that the general public had obtained a great advantage from the policy pursued by his noble Friend near him (the Earl of Eglinton) when Lord Lieutenant of Ireland, particularly in having initiated the postal steam communication between Ireland and America.

THE EARL OF DONOUGHMORE supposed that after the statement of the noble Earl, the President of the Council, he was justified in believing that the Government was willing to consider the question of a postal communication between Ireland and America?

EARL GRANVILLE said, the Government admitted the desirability of such a communication, and, if the matter were thrown open to public competition, they would consider what proposition would be most for the advantage of the public generally.

THE EARL OF DONOUGHMORE said, he would have been satisfied with the statement had it not been for the observations which were made by the Postmaster General to the effect that the Galway contract interfered with a line already subsidized between Liverpool and Canada. The advantage of the Galway line was that St. John's, Newfoundland, could be reached within six days, and thence there was telegraphic communication with Canada and the United States. But even a line of packets stopping at St. John's, would be exposed to the same hostility as the present Galway line. This was not a mere local question, but affected Imperial interests, and he hoped the Government would regard it in that light. He thought no time should be lost on the part of the Government in establishing steam communication between a port in the west of Ireland and America.

LORD STANLEY OF ALDERLEY begged to explain. His complaint was, that whatever objections might have been entertained to the contract originally, the contract having been given, and the Company having received a large subsidy, the conditions of the contract were not carried out, and that the contract should not be continued unless these conditions were performed.

The Marquess of NORMANBY, in reply, expressed a hope that the Government would follow the advice of his noble and learned Friend (Lord Brougham), which would meet all the real justice of the case, by showing some indulgence to this Company, provided they could satisfy them of their power to carry on the contract. This would prevent delay at a time when rapid communication with America was most important. He did not think that in the House of Commons or elsewhere there had been any accusation that Mr. Daly had stated that he was authorized to enter into any terms with the Government for the support of the Irish Members; on the contrary, he asked—he would not say whether he did so in the most judicious manner or in the way most likely to carry his point with Lord Palmerston—that was a different question—but what he asked was, that the Premier should see the Irish Members. And what he accused the noble Lord the Foreign Secretary of was that he had stated that this person who had asked that interview of the Prime Minister seemed entitled to speak on the subject, That was entirely inconsistent with what had been stated by the Prime Minister himself, and it would have been better if the noble Lord the Member for the City of London had not used the phrase, "that this rev. gentleman appeared entitled to speak on behalf of the Irish Members," which, no doubt, misled the House and was not founded in fact. The noble Earl the President of the Council had asked whether he was authorized to speak on this subject in the name of the Irish Members? He certainly had no aggregate authority; but he could state from those he had seen, that no such representations as had been made were founded on any authority from them. Besides, the hon. Members for the Queen's County and Roscommon stated on Thursday evening, in the House of Commons, that Mr. Daly had no authority to represent the Irish Members, and that they had told Mr. Daly so themselves. He had been told that he ought not to accuse others of inconsistency, being so open to that charge himself. He should be glad to know on what single subject he had shown inconsistency. All the measures he was connected with as Lord Lieutenant of Ireland had been long since disposed of, and those which Her Majesty's Ministers were now foisting on the House of Commons did not exist at that time. There was not a single Member of their Lordships' House on the Bench opposite who was ever a colleague of his, and the reason why he had stated that he had no confidence in the present Government was that he shared the opinion of the Prime Minister, expressed by Lord John Russell, and on which that noble Lord had acted. If on any question connected with Ireland any change of opinion existed, it was on the part of Lord John Russell, not on his part. The only true judge upon this point must be the Irish people. He repeated, he was not open to any charge of inconsistency in not supporting noble Lords opposite, whom he saw collected from all points of the political compass. As his noble Friend had stated that there was no public Correspondence on this subject, he could not persist in his Motion.

Motion, by leave, *withdrawn.*

MARRIAGE LAW (IRELAND) AMENDMENT BILL.—REPORT.

Amendments *reported* (according to Order).

Lord REDESDALE moved that the following clause for the registration of buildings for Roman Catholic worship be added to the Bill:—

"Every Chief Constable of Police shall, within One Month from the passing of this Act, deliver to each Registrar within his District a Certificate signed by him in duplicate, of all Buildings set apart for the public Celebration of Divine Service according to the Rites and Ceremonies of the Roman Catholic Religion, within the District of such Registrar; and from Time to Time thereafter similar Certificates of any other Building which may be so set apart, and such Certificates shall be for such Buildings the Certificates required by the Twenty-seventh Section of the recited Act for Buildings to be licensed for the Solemnization of Marriages, and shall be acted upon accordingly for the Purpose of licensing the same for the Solemnization of Marriages under this Act only; provided always, that the Issue of the Certificate of the Registry on Vellum or Parchment mentioned in the said Section shall not be necessary, and that the Registrar shall be entitled to the sum of One Pound only, to be paid from the Police Rate, on the Delivery of any such Certificate, although more than One Building may be returned therein."

The LORD CHANCELLOR was glad of this opportunity of correcting a misapprehension which had gone abroad, that he had consented to the two clauses of his noble Friend being added to the Bill. He had consented to certain Amendments moved by the noble Lord, which he thought unnecessary but harmless, being introduced with the most laudable object of preventing clandestinity, and to preserve the evidence of marriage; but the other two clauses he had strongly condemned, and, instead of carrying them out, he said he would rather abandon the Bill altogether. The clause was condemned in Ireland, not only by Roman Catholic priests, but by persons of all religious persuasions.

The Bishop of DOWN and CONNOR said, the clause was most objectionable in its character, and would have a very injurious effect.

Amendment *negatived.*

Bill to be read 3^a to-morrow.

House adjourned at Eight o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, June 3, 1861.

Minutes.] — New Member Sworn. — For Flint County Lord Richard Grosvenor.

Public Bills.—1° Parochial and Burgh Schools (Scotland).

2° Salmon Fisheries (Scotland, &c.); Bills of Exchange and Promissory Notes (Ireland).

3° Customs and Inland Revenue.

DUBLIN CORPORATION WATER BILL.

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

Sir EDWARD GROGAN said, the people of Dublin doubted whether, even supposing the money which it was proposed by the Bill to lay out were spent, they would be able to get the water. Nor had the details of the Bill been sufficiently considered, and, under all the circumstances attending the progress of the Bill through the Committee, he would move that it should be read a third time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. BROWN-WESTHEAD said, that as a Member of the Committee he was surprised that the hon. Gentleman should pursue this course after every facility had been given for opposing the Bill in Committee. He contended that there was no good ground for undoing the work of the Committee, which had given their best consideration to the whole matter. Fifty-four out of sixty members of the corporation supported the Bill; a Royal Commissioner and an eminent engineer had reported that the proposed supply would be ample and of the best quality. He, therefore, trusted the House would support the decision of the Committee.

Captain JERVIS said, the Bill was opposed to the opinions of the great majority of the ratepayers of Dublin, who were most anxious that it should go before a fresh Committee.

Mr. DAWSON concluded that the Bill would operate as a measure of confiscation, to the extent of depreciating a large mass of house property at least 25 per cent.

Mr. MASSEY said, that the Bill had already been amply discussed on a previous stage; it had also been before the Select Committee upwards of three weeks, and he trusted the House would negative the Amendment.

Mr. BLAKE said, he was surprised at the opposition which had been raised by the hon. Member for Dublin. He had watched the progress of the measure through Committee, and he was satisfied that every reasonable concession had been made to its opponents, and that the Bill ought to pass into law.

Sir JOHN SHELLEY said, that after the long and patient investigation of the Bill by the Committee, he was astonished at the opposition offered to it by the hon. Members for Dublin.

Mr. GEORGE said, he was quite aware of the inutility of opposing the Bill, but he protested against the retention in it of such dangerous and mischievous clauses. A very large proportion of the most respectable inhabitants of Dublin were heart and soul opposed to the measure; and although it might receive the sanction of that House he trusted it would be ignominiously defeated in "another place."

Mr. O'BRIEN said, he should support the decision of the Committee.

Mr. MAGUIRE strongly urged the House to pass the Bill, as the water supply of Dublin was at present in a most scandalous state.

Mr. LONGFIELD said, he should oppose the Bill in the interest of the taxpayers of Dublin.

Mr. M'CANN remarked that it was the duty of the House to see that the poorer classes in every large town had a supply of good water, and he should, therefore, support the Bill. He had often occasion to be in Dublin, and he was, therefore, able to say that the water was at some seasons of the year utterly unfit for human consumption. He had never been able to drink a pint of it, not even when mixed with spirits.

Mr. VANCE said, the Committee had refused to hear the ratepayers of Dublin against the Bill, which they considered as one of confiscation. The Bill would imgreat additional burdens upon the ratepayers, and as an instance of this, he stated that under its provisions his water rate would be increased from 30*s.* to £10 a year. So far as the character of the water at present supplied in Dublin was concerned, it was very good, and he pledged his honour to the fact that neither himself nor any member of his family, nor any visitors, ever drank anything but the pipe-water now supplied in Dublin.

Mr. COGAN said, he was sorry to hear that the hon. Gentleman gave his friends such very bad entertainment. The hon. Gentleman did not represent the property of Dublin. The majority of those who paid taxes voted against him, and the hon. Member was only returned by the votes of the freemen who paid no taxes.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 169; Noes 93: Majority 76.

Main Question put, and *agreed to.*

Bill read 3°, and *passed.*

CHURCH RATE ABOLITION BILL.
QUESTION.

Mr. SOTHERON ESTCOURT said, that he wished for the convenience of the House to put a question to the hon. Baronet the Member for Tavistock in regard to the Business of the House for Wednesday next, for which day the third reading of the Church Rate Abolition Bill was fixed. He wished to ask him Whether, in consequence of, and in deference to, the strong desire expressed in the House at the last stage of the Bill for some measure of compromise, and in order to give hon. Gentlemen who, in consequence of that desire, had been engaged for the last month in endeavouring to devise the terms of such compromise, and who, he might say, had made considerable progress, he would not consider it consistent with his public duty to postpone the third reading for a fortnight, in order to give an opportunity of completing a Bill to effect the object in view? If the hon. Member assented to that course he (Mr. Sotheron Estcourt) would undertake that in the course of that fortnight he would bring forward a Bill, agreed upon by those Gentlemen, and the particulars of which should be communicated to him. The hon. Baronet could then take whatever course he might think proper respecting it.

Sir JOHN TRELAWNY said, that he considered that any question coming from the right hon. Gentleman on such an occasion was entitled to consideration on the part of the House. There was undoubtedly a large body of Gentlemen in that House who considered, perhaps erroneously, that it was possible to carry out some compromise on that question. He was not sanguine about that being done, but at the same time he thought it right, out of respect to those hon. Gentlemen, that they should have time to consider every plan which they thought desirable to introduce. Under these circumstances he should take upon himself the responsibility, though he might be blamed for so doing, of assenting to the request of the right hon. Member, though he begged it to be understood that he did so purely out of deference to the wishes of the right hon. Gentleman and his friends.

EAST INDIA LOAN.—QUESTION.

Mr. VANSITTART said, he would beg to ask the right hon. Baronet the Secretary of State for India, Whether he is going to proceed with the East India Loan that evening? An important statement had been made by Mr. Laing on the 27th of April, a report of which had arrived only that day, and it was desirable that Members should have time to peruse it.

Sir CHARLES WOOD said, he intended to proceed with the measure that night. When he had made his statement the hon. Member would see that, whatever Mr. Laing had said, it was quite necessary that the measure should not be delayed.

METROPOLITAN TOLL GATES.
QUESTION.

Mr. T. DUNCOMBE said, he rose to ask the Secretary of State for the Home Department, What progress has been made towards the abolition of the Toll Gates round London; if the Metropolis Roads Commissioners have held any special meeting to effect that object, or whether they have been summoned for the purpose at all; if they have met, what was done, and out of the forty-one Commissioners, how many were present; and if Her Majesty's Government intend to present any specific proposition for abolishing Toll Gates, and when?

Sir GEORGE LEWIS regretted to say that he had no hope of being able to prepare a measure for the abolition of toll gates in the neighbourhood of the Metropolis. That was a question which would admit of very simple solution if the respective parishes were willing that the toll gates should be abolished, and that the expense of maintaining the roads within their limits should be defrayed out of the parish rates. But it was clear that any settlement of the question would involve the abolition of the present system of turnpike tolls, and the transfer of the charge to the rates either of each parish or of some larger district; and in order to effect such a change the consent of the persons at present interested in those roads must be obtained.

PROPOSED AGRICULTURAL SHOW IN REGENT'S PARK.—QUESTION.

Lord FERMOY said, he would beg to ask the First Commissioner of Works, Whether there is any truth in the report that he has granted permission to the Royal Agricultural Society of England to hold their annual Show in the Regent's Park; and if so, whether he has restricted them either as to the space which they are to occupy, or the time during which it is to be so occupied for the erecting and taking down the sheds and other fittings?

Mr. COWPER said, he had no doubt that the general opinion of the Metropolis was in favour of giving facilities for holding the Agricultural Show next year in London, and that great dissatisfaction would be created if the offer of the Agricultural Society upon that subject were refused. Proper sites were provided and subscriptions were raised in every provincial town in which those shows were held for the purpose of ensuring their satisfactory progress; and he thought it would be derogatory to the intelligence and liberality of the Metropolis if the facilities given in other towns were refused in London. The Agricultural Society found that the north-western portion of the Regent's Park would be very convenient for their purpose, and he did not know any central place in the Metropolis where the holding of the show would be more acceptable to the public at large. A space of twenty-six acres was available in that quarter, without encroaching on the public convenience. The show would occupy a week, and the Society would be required to make the necessary preparations in the shortest possible time.

CRIMINAL LAW CONSOLIDATION BILLS.—QUESTION.

Mr. HADFIELD said, he wished to ask the Solicitor General, When he intends to proceed with the Criminal Laws Consolidation Bills?

The SOLICITOR GENERAL said, he was sorry to say that in the present state of the public business it was not possible for him to name a day—certainly not an early day—for proceeding with those Bills. But after the careful consideration they had received from a Select Committee of the other House last Session, and of a Select Committee of the House of Commons in the present Session, he hoped that no great time would be required for their consideration. He should bring them forward on as early a day as the state of the public business would permit.

THE EVICTIONS IN DONEGAL. QUESTION.

Mr. VINCENT SCULLY said, he wished to ask the Chief Secretary for Ireland, Can he assist to fix some early day for discussing the recent Evictions from the lands of Derryveagh, in the county of Donegal, as a matter of appalling interest to the remaining Inhabitants of Ireland? He hoped it would meet the convenience of the right hon. Gentleman the Secretary for Ireland that he should bring the subject under the notice of the House on Monday next.

Mr. CARDWELL said, he could not give his hon. and learned Friend any assistance in securing a day for the discussion of that subject; but if he brought it forward on a Committee of Supply night he could stand upon his own right.

PARISH SCHOOLMASTERS OF SCOTLAND.—QUESTION.

Mr. ROBERTSON said, he wished to ask the Lord Advocate, Whether it be his intention to introduce a Bill this Session to increase the salaries and to improve the position of the Parish Schoolmasters of Scotland?

THE LORD ADVOCATE said, he proposed to bring in a Bill that evening for increasing the salaries and improving the position of Parish Schoolmasters in Scotland.

UNITED STATES.—THE CIVIL WAR.—PRIVATEERING.—QUESTION.

MR. W. E. FORSTER said, he would beg to ask the Secretary of State for Foreign Affairs, Whether Her Majesty's Government will exercise the discretion which by the Law of Nations they possess to prevent privateers sailing under the as yet unrecognized flag of the so-called Southern Confederacy from bringing their prizes into any port of Her Majesty's Dominions? He did not ask this question with regard to privateers sailing under the flag of the United States, simply because he had no expectation that any Letters of Marque would be issued by the United States' Government.

LORD JOHN RUSSELL: Sir, my answer must be rather wider in extent than the question which the hon. Member has put to me. The whole matter has been considered by Her Majesty's Government, and it has been determined, after consulting the Law Officers of the Crown, that orders should be given to interdict the ships of war and privateers of both parties from entering the ports and harbours of the United Kingdom, or of the Colonies and Dependencies of Her Majesty, with prizes. In order to make the matter more clear the House will perhaps allow me to read an extract from the despatch which has been sent to the India Office and to the Governors of the Colonies—

> "Her Majesty's Government are, as you are aware, desirous of observing the strictest neutrality in the contest between the United States and the so-styled Confederate States of North America. With the view more thoroughly to carry out that principle we purpose to interdict the armed ships, and also the privateers, of both parties from carrying prizes made by them into the ports, harbours, roadsteads, or waters of the United Kingdom or any of Her Majesty's Colonies or Possessions abroad."

The orders went out to the colonies on Saturday last, and they have gone to India to-day. I may also state that we have during the past week been in communica- with the French Government upon this subject. I stated to the French Ambassador the view taken by Her Majesty's Government, and asked him what course the Government of France intended to pursue with regard to this subject. The French Ambassador has informed me that the French Government propose to act in conformity with the existing law of France. That existing law is founded upon an ordinance passed in the year 1681; and the rule is that in case of a war in which France is neutral, no privateers are allowed to bring their prizes into the ports or harbours of France or its dependencies for a longer period than twenty-four hours. They are not allowed to sell the cargoes, or in any way to dispose of the prizes which they have taken; and after the twenty-four hours have expired they are obliged to leave the port. Therefore, the course pursued by France is not very different from that which we intend to adopt.

SIR JOHN PAKINGTON said, he wished to put a question to the noble Lord the Secretary of State for Foreign Affairs in reference to a statement which he saw in the newspapers of the day. It was said that the Government of the United States had expressed their intention of recognising the declaration in reference to privateering made at the period of the adoption of the Treaty of Paris in 1856. He wished, therefore, to ask the noble Lord, Whether Her Majesty's Government have received any intimation to that effect from the Government of the United States; and, if so, whether he can state what effect it will have on the policy which Her Majesty's Government have announced with regard to the belligerent rights of the Southern States?

LORD JOHN RUSSELL: Sir, the only answer which I can give to the right. hon. Gentleman is that propositions have been sent to America founded upon the Declaration of the Treaty of Paris. Those propositions were made in concert with the French Government, and are restricted in concert with that Government. We have not as yet received any answer to those propositions. They have been gone, I should think, a fortnight, and I expect soon to receive some reply to them. Until that answer is received I cannot pledge the Government as to the course which they will pursue.

MR. LIDDELL said, he wished to ask the noble Lord whether the course now proposed to be adopted of prohibiting the vessels of war and privateers of both parties from bringing prizes into the ports of the United Kingdom was not different from that which had in former times been pursued by this country?

MR. HENLEY said, he wished to know whether the law of France, as stated by the noble Lord, applies to the vessels of States, or is confined to privateers?

LORD JOHN RUSSELL: I stated that that law is applicable to privateers only.

SIR JAMES ELPHINSTONE said, he asked what measures have been taken by the Government to inform British seamen who are at present at sea that it is their policy to observe a strict neutrality between the parties to this contest. Unless a notice was affixed to the mainmast of every British trader [" Order, order! "]

MR. SPEAKER said, he must inform the hon. Baronet that he was not in order in entering into an argument.

LORD JOHN RUSSELL: A Proclamation has been issued by Her Majesty, declaring her neutrality in this contest, and of that proclamation, which has appeared in the *Gazette* and in all the newspapers, the crews of vessels calling at ports would receive intelligence.

MR. E. P. BOUVERIE: Will the noble Lord lay upon the Table a copy of the despatch from which he has read an extract?

LORD JOHN RUSSELL: Yes, in a day or two.

AFFAIRS OF SYRIA.—QUESTION.

SIR JAMES FERGUSSON said, he would beg to ask the noble Lord the Secretary of State for Foreign Affairs, Whether it is true that the Members of the International Commission appointed to settle the affairs of Syria have since their arrival at Constantinople agreed to the appointment of a Maronite Governor for the Lebanon, who should be independent of the provincial Government of Syria; and if so, whether Her Majesty's Commissioner has been a consenting party to that agreement?

LORD JOHN RUSSELL: Sir, the representatives of the great Powers at Constantinople have had two meetings, the second with the assistance of the Minister for Foreign Affairs of the Porte, but they have not agreed to the arrangement which the hon. Baronet has mentioned. The whole matter has been discussed, but we have not yet heard that any proposition has been agreed to, and certainly Her Majesty's Ambassador is not empowered to consent, that there should be a Maronite Governor in the Lebanon. I hope that before the end of the week I shall be able to state at what decision the representatives have arrived.

CUSTOMS AND INLAND REVENUE BILL.

THIRD READING.

Order for Third Reading read.

THE CHANCELLOR OF THE EXCHEQUER moved the third reading of this Bill.

SIR WILLIAM JOLLIFFE said, he was prepared to sanction every precaution which might be requisite to prevent evasions of the payment of income tax, and for that purpose he would be willing, if necessary, to give increased powers to the Chancellor of the Exchequer; but he felt it his duty to bring under the notice of the House the system of quarterly collections as a departure from the original method. Suddenly and unexpectedly in the course of last winter the tax collector demanded from persons in receipt of fluctuating and precarious incomes that the tax upon them should be paid quarterly instead of half-yearly, as heretofore. To the end of 1860 the entire taxation of the country had been collected half-yearly; all the national payments were made upon the same principle. Interest on permanent investments and even on the great debt of the State was only paid twice a year, and it was impossible for any Government or any Chancellor of the Exchequer to forestall the period when the tax upon this account could be levied. An amount of capital nearly equalling the National Debt was invested in various securities, such as railways, mines, and mortgages, which were locked up in the same way from quarterly payments of income tax; and it seemed a great hardship that those in receipt of precarious incomes, on whom the tax already fell heaviest, should be the very persons subjected to the additional pressure arising from a quarterly collection. They all admitted that the tax pressed with great weight upon a variety of interests, and one would have imagined that the Government would have done all in their power to equalize and make it more generally bearable, instead of which greater anomalies were created than were already created by the income tax. This new arrangement had fallen in the most oppressive manner upon agriculturists, who had been prevented by the continuance of bad weather from sending anything to market. The change operated harshly enough on landlords with estates in their own hands; but in the case of tenants, contrary to previous law and custom, they were obliged to pay the collector three months before they had any settlement with their landlords. The Chancellor of the Exchequer professed surprise at the view which he entertained, and contended that if carried out it would deprive the country of an entire quarter's revenue during the year. Considering, however, that the tax on a very large portion of investment would still be paid in the old way, the right hon. Gentleman had hardly stated the case with accuracy. But, however that might be, he could assure the right hon. Gentleman that he entertained no such intention; but he must say, in turn, that he had been greatly surprised at the statement of the Chancellor of the Exchequer, who said he had information which satisfied him that these quarterly payments were not only agreeable but convenient to many persons. That statement had filled him with astonishment, and led him to think that Chancellors of the Exchequer must, like other brilliant luminaries, be surrounded by some nubilous atmosphere which did not allow the truth to penetrate into their sphere. It would only be necessary for the right hon. Gentleman to travel with him to the first market town to learn that the new arrangement had increased the dislike to the tax, and had very much diminished the public faith in his clever financial arrangements as well as damaged the popularity of his Government. Therefore, both on the grounds of justice and expediency, he appealed to the Chancellor of the Exchequer, and to the Government of which he was a Member, not to persist in this mode of collecting the tax.

MR. H. BAILLIE said, the question had been repeatedly asked why hon. Gentlemen on his side of the House continued so pertinaciously to oppose the remission of an Excise duty? No doubt it seemed an ungracious act to oppose the remission of duties which pressed upon any portion of the community but the reason was obvious. Many hon. Members occupying seats on those benches believed that the estimated surplus of the Chancellor of the Exchequer was calculated on insufficient grounds to justify the expectation that it could be applied to any satisfactory purpose; while it was avowed by hon. Gentlemen opposite that they supported the measure rather as one that was necessary than as a wise financial change. In the interests of the country he protested against the doctrine laid down by his hon. Friend the Member for Berkshire, that because the Chancellor of the Exchequer declared that he had a surplus, Members were bound to assume its existence, even though such a declaration was contrary to the evidence of their own senses. He felt it his duty, as the Bill was about to pass, to state his belief that even if the right hon. Gentleman the Chancellor of the Exchequer had a surplus, that surplus had been already disposed of. The right hon. Gentleman said that £408,000 was his estimated surplus; but a few evenings since he admitted that there had come in a charge of £150,000 which would have to be paid as compensation for the Stade Dues. There had lately been published a despatch from the Governor General of India, in which there was a financial letter, dated Fort William, March 3, 1861. In that letter it was stated that the amount of the advances which would be recoverable from England in the years 1861-2, on account of expeditions to China and other charges, was £1,250,000. For that item the right hon. Gentleman had only taken £1,000,000. The additional sum of £250,000, with the £150,000, made £400,000; in addition to which there was £25,000 which the right hon. Gentleman the Chancellor of the Exchequer admitted to be the increased sum which would have to be paid on Exchequer bills. There was also an addition of £30,000, the amount of the dower of the Princess Alice, which two sums would make £55,000, and, therefore, they had a total of additional charges amounting to £455,000; that was to say, about £50,000 more than the estimated surplus. Again, the Chancellor of the Exchequer had estimated the year's Customs and Excise at the same amount as that of last, without taking into account the disturbing causes in the United States of America. A circumstance had been related to him which showed what was likely to take place in that country. A large ship arrived in Cork the other day with a cargo of cotton; she was bound to Liverpool, but when she called at Cork she received orders immediately to return to New York. It was perfectly clear from that circumstance that the people of New York anticipated they would receive a short supply of cotton from the Southern States. Indeed, it was natural to suppose that the Northern States would have little chance of receiving any cotton from the Southern; and, on the other hand, the Northern had taken good care that we should receive none, for they had declared through their Minister their intention to enforce a strict blockade of the Southern ports. It might be said that we had got our supply of cotton for the present year—that was to say that we had the cotton of last year's growth; but the cotton of this year should commence to arrive in this country in the months of October and November next. He had an opportunity lately of speaking on the subject to one of the greatest cotton buyers in the United Kingdom—a very intelligent gentleman. That gentleman had stopped him in the lobby and informed him that the manufacturers in the north were in the greatest possible state of alarm, for they firmly believed that the blockade of the Southern States would be carried out, and that the consequence would be that we should have no cotton during the coming year. He further observed that, instead of it being a question of 20,000 people starving, as in Coventry last year, it would be a question of 3,000,000 or 4,000,000 people starving in the manufacturing districts. He stated to the gentleman that possibly he might be representing an exaggerated state of things, for he thought it possible that we could obtain a large quantity from India; but he informed him that that was not the case—that the staple of the Indian cotton would not suit the manufacturing districts, except to a very limited extent; that there was more of it in the market last year than the manufacturers could use; and that, unless they could get the people of India to grow long-staple cotton, their produce could not be used in the manufacturing districts. He asked the gentleman what steps the manufacturers had taken to get long staple cotton grown in India. He replied that at the commencement of this year, anticipating what would happen, the buyers held a large meeting, formed societies, and subscribed their money to send out agents with American cotton seed to India, in order to distribute it to the natives, and, if necessary, to advance them money for its cultivation. The whole of that scheme had been knocked on the head by the conduct of the Indian Government. Hon. Members had heard something of the conduct of that Government with reference to the indigo planters. The speculation of these planters was carried on in the way in which it was proposed to carry out the scheme to which he had just referred. The planters advanced their capital to the cultivators, and entered into contracts to be supplied with their produce; but it appeared that the Indian Government either fancied or believed that the people were screwed too much by these planters. However that might have been, the Lieutenant Governor of Bengal issued a Proclamation declaring that the people were not bound by the contracts. The result was that those who had engaged in the speculation had nothing but ruin staring them in the face, and the gentleman to whom he referred informed him that when that news arrived in the manufacturing districts those who had interested themselves in the cotton scheme put an end to it, and resolved that so long as the present Government of India remained in power they would neither send agents nor cotton seed to that country. There was, therefore, the prospect before us of getting no cotton from India, and the probability was that we should get none from the United States; so that the right hon. Gentleman drew rather largely on the credulity of the House when he asked them to believe that we should have the same amount from Customs and Excise this year as we had last. He had been accused by the right hon. Gentleman the President of the Board of Trade of inconsistency on this subject. The right hon. Gentleman stated that on a former occasion he voted for an abstract Resolution for a remission of the paper duty. His answer to that charge was very simple. He would remind the right hon. Gentleman that the remission of a duty was not always a question of principle. It was sometimes a question of expediency, and the course which any one ought to pursue in reference to such matters was that which he believed would be most conducive to the interests of the country. He did not think he would have discharged his duty if he had not said those few words on the third reading of this Bill.

MR. ALDERMAN SIDNEY said, he hoped the Chancellor of the Exchequer would adhere to the system of quarterly collections of the property and income tax. It might suit the richer class of the community to pay the tax half-yearly, but it was much more convenient for the poorer class of payers to do so quarterly. Parochial assessments were generally paid quarterly from a similar reason. It was not every taxpayer who kept a banker's account. There was great irregularity, however, in the mode of collecting the income tax. In some parts of the country, and with respect to particular classes of persons, the half-yearly mode of collection was followed, but he could not see why any such distinction should exist.

THE CHANCELLOR OF THE EXCHEQUER said, he would not follow the hon. Member for Inverness-shire (Mr. H. Baillie), into anything like a full discussion of the surplus, at which he seemed determined to have what might be called a parting kick. The prophecies of Ministers of Finance were, no doubt, like those of other persons, liable to fail; but there was this difference between his prophecies and those of private persons, that he usually followed the advice of very competent persons, and that when he did make an erroneous estimate of coming income and expenditure he was very properly called upon to explain, and had to submit to all manner of criticism; whereas, when private Members made erroneous calculations and prophecies, it was not within the province of the Chancellor of the Exchequer to call them to account; and no notice was ever taken of the wonderful miscalculations they might have made. For example, in 1853 he, as Chancellor of the Exchequer, prophesied that £2,000,000 would be derived from the succession duty; and when his prophecy failed he was subjected to very severe criticism, while those private Members who said that as much as £3,000,000, £4,000,000, or £5,000,000 would be derived from the tax, and who had remonstrated with him for not fixing his estimate higher than £2,000,000, were left unnoticed, and allowed to remain under the shelter of a comfortable security. His hon. Friend the Member for Inverness-shire said, new charges to the amount of £455,000 had come up since the Budget had been presented. His hon. Friend was far from accurate in that statement. He had referred to a letter written by the Governor General of India with reference to a claim from India; but the Governor General when he sent that letter did not know enough of the state of the account to be able to tell what demands would be made upon Imperial resources to reimburse the Indian Exchequer for payments it had made, and for this reason, that he did not know what payments he had made on account. If it was true, as stated by his hon. Friend, that new charges to the amount of £455,000 had come up since the Budget was presented, how glad ought he to have been that the Motion on the tea duties, by which £285,000 more than the estimated surplus would be taken from the revenue. His hon. Friend said he had been charged with inconsistency in not giving the same vote for the abolition of the paper duties as he had given some years ago. He (the Chancellor of the Exchequer) would not charge his hon. Friend with inconsistency as to the paper duties; but he charged him with another inconsistency, that of questioning the surplus, and yet of voting that £285,000 more than the surplus should be taken from the revenue, when there was an occasion of voting against the Government. But even if it were true, which he did not admit, that £455,000 of new charges had arisen, a still larger sum than that had already been derived from increased revenue. There had been an actual increase in the revenue under the heads of Excise, Customs, and Stamps during the first eight weeks of the present year, as compared with the first eight weeks of last year, of £500,000.

With regard to the collection of the income tax, his right hon. Friend (Sir William Jolliffe) was in error on two points. He was in error when he said that the quarterly mode of collection was a mere administrative arrangement. The arrangement was one distinctly made by law. The principle of income tax collection had always been quarterly, but practically it had been carried out till the Act of 23 & 24 *Vict*, c. 14, was passed. His hon. Friend was also in error when he made a comparison between the modes of collecting fixed and precarious incomes. There was no difference in the modes of collecting fixed and precarious incomes. except such as unavoidably arose from the different ways in which the income of individuals was derived. There was a peculiarity in the quarterly collection of last year that would not occur again; for, being the first of these collections, the effect was to throw three months more of payment within the year than ought to have been, and virtually to make the drain from the taxpeyer nearly as much money as if an income tax of 14*d.* had been imposed. The quarterly mode of collection was attended with political advantage. The income tax was defective in this respect—that its collection was long in arrear of its imposition by Parliament. In 1842 Sir Robert Peel found a deficiency. He proposed an income tax, and the calculation was that next year he would have a surplus. But at the end of the year he had still a deficiency, no account having been taken of the circumstance that the collection of the income tax would be half a year behind. In 1854, at the time of the Russian war, they doubled the income tax; but, in consequence of the half-yearly system of collection, they were obliged to anticipate the tax by borrowing. The political advantage of the quarterly mode would, therefore, be very great, for it would increase the control of Parliament over revenue, and would put the tax in hand, not at the end of six, but of three months. He had never stated that that mode of collection had been found convenient to the taxpayer, but that when it was recommended to him by the practical officers who had charge of this department they expressed their opinion that it would be found more convenient to the taxpayer, and he had received no evidence whatever to shake that opinion. He did not, however, pretend to be in possession of conclusive information on the subject. It was a question most proper for examination by the House or by the Committee now sitting on the subject of the income tax, for he quite admitted that the convenience of the taxpayer must be a material element in deciding upon a half-yearly or a quarterly collection. For his own part he confessed that, along with his hon. Friend (Alderman Sydney), he thought that with respect to those classes of persons who had not a banker's account, it would be more convenient for them to pay by small driblets than to be expected to accumulate larger sums in order to meet those demands. As to the inequality which was said to exist in different parts of the country in the payment of the income tax, he would remind the House that the responsibility of the Government for the collection of the tax was a very qualified one. He wished the Government had a more effective control over the collection. He did not desire to uproot the admirable system, peculiar, he believed, to this country, by which the collection of the direct taxes was mainly conducted by the valuable aid of local commissioners. But a system by which both the assessment and the collection of the tax was left in the hands of local officers might, he thought, in some important particulars be amended, one of its consequences being, as had been pointed out, that there was great inequality in the efficiency of the machinery in various parts of the country. Any proposals which were made on this subject might be viewed with jealousy in the country, and must be made in conformity with the sense of the country. At the same time he thought there was room for important improvements in the system, and he should be glad to see a state of opinion which would allow the Government to propose these improvements to Parliament.

MR. BENTINCK said, the right hon. Gentleman had a summary manner of disposing of the objections of hon. Members, by telling them that he had superior means of information over those who thought differently from him. His right hon. Friend (Sir William Jolliffe) near him said he looked upon the Chancellor of the Exchequer as a planet surrounded by a nebulous atmosphere, and it seemed to him (Mr. Bentinck) that the satellites upon whom the Chancellor of the Exchequer depended for his information were also surrounded by an equally nebulous atmosphere. At any rate, he (Mr. Bentinck) was not disposed to place the same confidence in them as the right hon. Gentleman did. Upon that occasion the right hon. Gentleman had, he thought, exercised a wise discretion in not attempting to answer the remarks of his hon. Friend as to the surplus; because it was perfectly impossible to controvert the short and clear statement his hon. Friend had made. He wished to take up one point referred to by the right hon. Gentleman, who had a habit of putting his own construction on the views and language of others, and commenting on that construction. The right hon. Gentleman accused him and some of his Friends of inconsistency in disputing the existence of a surplus, and then voting for a large remission of taxation. Now, that was not a fair statement of the case. He still, as formerly, denied the existence of any surplus; but he had said that if the House resolved to maintain that there was a surplus, they ought at least to repeal a tax which might be reimposed, and not one which when repealed was lost by the revenue for ever. He denied that there was any inconsistency in that view of the case. His hon. Friend the Member for Inverness-shire (Mr. Baillie) had referred to the probable diminution in the revenue upon Customs and Excise, in consequence of the present state of things in America. He (Mr. Bentinck) had twice called attention to the same subject, and the noble Lord at the head of the Government had anticipated that he was going to renew the question fortnightly. He would not say how often he might feel it his duty to renew the question, but he feared the arrival of the time when the noble Lord would not be able to answer that question as he had done on the two previous occasions. He had heard accounts similar to those received by his hon. Friend, and, in his opinion, the supply of cotton must be inevitably very short; it was impossible to find a supply from any other quarter of the globe than the United States, and the result would be a diminution in the revenue derived from the Customs and Excise. He believed the time would come when the Government would stand convicted of great imprudence in blinding themselves to these considerations, and that the noble Lord would be compelled to admit that which he now so steadily denied.

Mr. CRAWFORD said, he only wished to remark it was an axiom in taxation to avoid making the duties on commerce a fluctuating charge, and, therefore, he disputed the expediency of reducing the tea duties in the belief which the hon. Member seemed to entertain that those duties might be increased again immediately afterwards without injury.

Sir STAFFORD NORTHCOTE said, the argument just used by the hon. Member for the City of London (Mr. Crawford) formed one of the strongest points in the case of the Opposition, who, instead of renewing the tea duties from year to year, thus keeping the tea trade in a state of suspense as to whether the war duties would be repealed, wished at once to terminate that uncertainty. Like the hon. Member (Mr. Bentinck), he also would complain of the injustice of the taunt thrown out from the Treasury bench against the Opposition, who were said, after disputing the existence of any surplus, to have, nevertheless, supported a proposal for taking £200,000 or £300,000 more out of the Exchequer. But the Opposition declared that the sacrifice of revenue upon the reduction of the tea duties would be not greater, but smaller, than that entailed by the repeal of the paper duties. Their calculations had been disputed, but that was the ground on which they voted, and they were not, therefore, amenable to the charge of inconsistency when they supported a smaller remission of taxation than that proposed by the Government. The point was not to be looked at with reference to this year only, but in regard to future years. The total annual sacrifice by the repeal of the paper duty would be £1,300,000; by the reduction of the tea duty to 1*s.* 5*d.* per lb. the sacrifice would be £1,600,000 at the most; but there would certainly be a recovery of one-fourth, which would bring it down to £1,200,000. Hon. Gentlemen on that side of the House made allowance for the fact that the deficiency caused by the reduction of the tea duty would be gradual, and would cure itself, not in consequence of the tax being put on again, but of a gradual increase of consumption; and, on the other hand, they looked on the loss to be incurred by the repeal of the paper duty as an increasing loss, inasmuch as the duty at the time of its repeal was increasing and improving. The Chancellor of the Exchequer said their calculations were inaccurate, but he never gave them credit for the increase which would follow in the consumption of sugar, which would be considerable. He denied, therefore, that there was any inconsistency in denying a surplus and supporting a reduction of the tea duties.

Mr. BROWN WESTHEAD said, that his constituents had been anxious for the repeal of the paper duty. As soon as they heard that it was the intention of the hon. Member for Liverpool to move for the reduction of the tea duties in lieu of the repeal of the paper duties, they immediately set about getting up a petition in favour of the repeal of the duty on paper, and within twenty-four hours that petition was signed by upwards of 700 of the citizens of York. He was neither a paper manufacturer nor a newspaper proprietor, but he paid a large amount for paper duty, which from his own experience he could say pressed heavily upon the manufacturing and industrial interests of the country. The mercantile firm with which he was connected paid an amount for duty on paper equal to an income tax of 9*d.* in the pound upon an income of £15,800 per annum. He had obtained from his partners a statement of the amount of duty paid by them on paper. It appeared they paid for paper in one year £2,416, and for duty in one year £595 17*s.* 6*d.* He thought he might fairly ask why they should be made to pay so extravagant an amount towards the taxation of the country? In respect of this tax alone, he would venture to say that he paid a larger amount of duty to the revenue than was paid on the average by Members of that House in respect of the income tax. It was said that the cry against the paper duty was kept up by noisy agitators, but that could not apply to him, as this was the first occasion publicly upon which he had opened his lips on the subject. The repeal of the paper duty would have a most beneficial effect upon the manufactures of the country and upon the industry of the working classes, and it would enable them to compete with the Germans, who were able to export their manufactures in which paper was used to the United States at a great advantage over the English manufacturers, who were burdened in some cases with duties of 25 per cent by reason of the paper duty. The Germans had no paper duty to pay, and the consequence was that they could send their goods to America, and drive the English manufacturers out of the market. This was only one instance. Many others might be given of the way in which the manufacturers of the country were suffering from the incidence of the paper duty. He believed that if the question had not been made one of politics, hon. Gentlemen opposite would have thought the paper duty one of the first taxes which ought to be repealed. Very much had been said about the desirability of repealing war taxes. On that ground the paper duty had a claim for immediate repeal, for it was originally a war tax. In 1711 the 10th of Queen Anne an Act was passed for the raising of large supplies for the purposes of war, and it imposed duties on soap, paper, silk, calicoes, linens, stuffs, and other articles. The duties on soap, silk, calicoes, linens, and and stuffs had been repealed, and surely there was no inconsistency in asking the House to assent to the repeal of the paper duty.

Mr. HENNESSY said, he wished for a moment to refer to the denial which had been given by the hon. Member for Liskeard (Mr. Bernal Osborne) during the debate on Thursday evening to his statement that the price of Irish butter had fallen off since the reduction in the duty. Since the debate he had referred to the figures of the prices current, and he found that while on the 5th of March, 1860, the price of butter in Cork market was £6 10*s.* per cwt. for the first quality, and £5 15*s.* for the third quality; on the day before the hon. Member spoke it was £4 18*s.* first quality, and £4 3*s.* third quality, a falling off of 60 per cent. In a Cork paper he found it stated that the fall in price was principally owing to the fall in price of foreign and Irish butter in the London market.

Mr. HENLEY said, he was glad to hear the answer which had been given by the right hon. Gentleman the Chancellor of the Exchequer to the right hon. Gentleman the Member for Petersfield (Sir William Jolliffe) because, if he understood it aright, the right hon. Gentleman was disposed to watch closely the pressure of the particular mode of collecting taxes. No doubt it was difficult to form a judgment on the working of the plan in the first year, because it was a very severe pressure to have to pay five quarters' income tax in one year. He (Mr. Henley) had had many complaints respecting it. Whether those would continue when they came to the regular course of payment he did not know. With regard to taxes on land where rent was paid half-yearly, payment of the tax quarterly was a payment in advance for the tenant. However, the right hon. Gentleman spoke as if he were disposed to inquire into the matter, and if he found on the balance that there was more inconvenience than convenience he was disposed to consider the subject. He (Mr. Henley) had no intention of entering on the vexed question—tea or paper—more than saying that the hon. Member for York had opened a new page in the chapter of discussion upon taxes on knowledge, which it was a pity the House had not had an opportunity of profiting by before. He (Mr. Henley) thought it showed something of the nature of the original agitation on the subject.

Mr. BERNAL OSBORNE said, he had no intention to make any imputation on the hon. Member for the King's County, who usually took great pains and afforded considerable information to the House. Perhaps he said too much when he said the price of butter had almost doubled, but there had been a considerable increase in price all through the south of Ireland. The hon. Member ought to have taken the average price since the reduction, instead of the exceptional price which prevailed in a particular year or at a particular time of the year. Every one knew that the price of butter at the opening of the market in March was very different from the price in May or June.

Bill read 3°, and *passed.*

EAST INDIA LOAN.—COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Sir CHARLES WOOD: It is not my intention, Sir, on the present occasion to go at any length into the general question of Indian finance. It will be my duty to do so later in the Session, but at present we have not that information which it is indispensable to possess, in order to do so with advantage. The finance accounts for 1859-60 are on the table of the House, but they are not printed or in the hands of hon. Members. Those accounts differ certainly very considerably from the last Estimates sent home by the Government of India. Both the revenue and the expenditure are considerably higher than we were led to expect; but the despatches explanatory of the difference have not yet reached us, and, of course, in the absence of those documents, it would be impossible to go into the question of past expenditure. In like manner, although we know by telegram that Mr. Laing has made his financial statement for the year 1861-2, we are not in possession of that statement. Although we know, from private letters and from the telegram, that the statement is satisfactory, we do not know what it is, and it would be premature to attempt to enter into the details of future expenditure. One fact we know, that Mr. Laing has felt himself to be in a position to reduce the duties on yarn and twist from 10 to 5 per cent, and, therefore, that circumstances must have justified that reduction of duty. It is, however, necessary to make some statement on the financial prospects of India. I am anxious to make it as short and clear as I can. I have been accused of being at one time too gloomy and at other times too sanguine. I hope to be able to satisfy the Committee that I have spoken accurately as far as the information which I possessed at the time enabled me to be accurate. The Committee will see that the only sources of information which I can have are the despatches from India, and every hon. Member of the House can test my judgment, because they have now in their possession all the despatches in reference to the general finances of India received from or sent to India since the last Session of Parliament. The first of those papers is a despatch addressed to the Government of India in August last, and those who have paid attention to the subject will find in it the most complete view which we were able to form of Indian finance. I allude to it because I think the form adopted is the best for affording full information. The other despatches are those which have been received from or addressed to India up to February last. Those despatches will show the grounds upon which I made a statement early in the Session, which is supposed to have been more sanguine than I was justified in making. The actual deficit for the present year at the commencement was £5,500,000, and I anticipated that if no unforeseen circumstances occurred we might look forward to no deficit in the course of this year, and, therefore, no necessity for a loan. That statement was founded upon an anticipation of an increase of taxation to the extent of £2,500,000. The original estimate by the Indian Government of the whole increase was £3,500,000, of which £1,000,000 was realized; and it followed that if the estimate were correct there would be an additional £2,500,000 to be received in the course of the present year. I find on reference to these despatches that even at a later period, when the Government of India took a more gloomy view of their finances, they estimated the increase at £2,200,000. In March they anticipated it would be not much less than what I stated in the preceding February. That reduced the deficit to £3,000,000, and I anticipated a reduction of expenditure to the extent of £3,000,000. Every letter which I have received since assures me that the reduction will, at least, amount to that, and, therefore, the Committee will see that it was not without satisfactory grounds that I made the statement which is thought to have been too sanguine. An unforeseen circumstance of considerable importance, has, however, occurred since I made that statement. I refer to the famine in the North-West Provinces, which will necessarily cause some loss of revenue. The Lieutenant Governor of those Provinces expects that the deficiency will fall almost entirely upon the year 1861-2; and, of course, the expenditure for the relief of sufferers from the dearth will also fall, chiefly, upon the early part of this year. Should any deficiency occur it will, therefore, be owing to an event which I had no reason to anticipate when I made my statement to the House. In the despatches from India we find very different estimates of income and expenditure. In the first series of despatches the apprehension is expressed that increased taxation will be only sufficient to make up for the falling off in revenue, while in the subsequent series it is said that an increase of about £1,000,000 is to be anticipated in the revenue of 1861, but the ultimate result of both seems to point to a deficiency which will certainly be under £2,000,000. That, however, is the worst view which can possibly be presented. Even if there should be a deficiency, I do not think we shall have any reason to complain, considering the enormous expenditure on account of the mutiny which has just been wound up. We have never ceased to urge upon the Government in India a reduction of that great source of expenditure—the Native army of India. A large body of armed men cannot, however, be suddenly disbanded without causing great dissatisfaction; and an immediate reduction would, therefore, be exceedingly dangerous. The Native troops must be quietly and gradually absorbed into the population. I have received information from Mr. Laing which shows that the Government of India is entering on a new career. Mr. Laing states that the balance in the Indian Treasury, which he had estimated at £11,500,000, will, in all probability, amount to £12,500,000 on the 30th of April. The inference, therefore, is either that the expenditure must have been diminished or that the revenue has increased considerably. Mr. Laing hopes that by the 1st of January, at the latest, he will be able to bring the income and expenditure to an equilibrium. A telegram which is published in to-day's papers reports Mr. Laing's satisfactory announcement that he anticipates no deficiency at all on the present year.

Apart, however, from the necessity of providing against a possible deficiency, the loan is required on various grounds. Whatever may be the condition of the Indian finances towards the close of the year, it is quite certain that there will be a pressure for money in the early part of the year. As I have stated, the diminution of revenue and the heavy expenditure on account of the famine will fall on the summer months. And further, it is usual for a reduction to the amount of about £3,000,000 to take place in the balances in the Indian Exchequer during the first six months of the year, which is recovered during the six months following. Looking to the pressure which must arise from providing relief for the sufferers by the famine, and carrying on the railways and other works which we had ordered not to be stopped, I felt it to be my duty to purchase £1,000,000 of silver in this country, part of which has already been sent to India. Even if I could draw money from India at the close of the financial year, on the 30th of April, I should be sorry to do so, on account of the great public works which we are carrying on. At any rate, it is impossible for me to draw any money from India now, and yet money must be provided for the payments I shall be called on to make in this country in the early part of the year. The resources to which I look for that money are the payments from the railway companies, or, in default of these, a loan. As hon. Members are, no doubt aware, the expenditure for railways in India is paid by advances from the India Treasury, while the expenses of the Home Government are defrayed from the sums paid by the railway companies into the Treasury in England. Indian finance is so much mixed up with payments on account of railroads, that in a general statement it is almost impossible to disentangle them. In the early days of the railway companies they paid in large sums to the Home Treasury, and the expenditure on account of them was comparatively small. The consequence was, that there were considerable balances of railway money in the Treasury in England. We have always held it desirable to have about three months expenditure in hand at the end of the year. Up to the present year, indeed, we have generally been in possession of more than that amount. All, however, who are versed in railway matters, know that towards the conclusion of such undertakings there is generally some difficulty in raising funds. That has been the case in regard to these Indian lines. In the beginning of the year 1860-1 we expected that about £7,000,000 would be paid into the Home Treasury on account of the Indian railways. The anticipated expenditure amounted to £7,000,000, or rather more. In point of fact, the expenditure in India has been upwards of £8,000,000, and the payments into the Home Treasury less than £6,000,000. During the last few years the balances of railroad money in the hands of the Home Government at the end of the financial year have been as follows:—1856, £3,265,000; 1857, £3,136,000; 1858, £2,750,000; 1859, £3,846,000; 1860, £2,220,000; and this year, according to a statement which is partly estimate, it is only £370,000. Therefore the House will see that I have not an overwhelming amount of money from which to meet any demands upon the Home Treasury. Further than that, the state of the money market at home, and especially the raising the rate of discount by the Bank of England a day or two before the payments were to be made, have prevented my receiving the sums which I anticipated from the railway companies. It will be remembered also that—as I have already stated —I sent £1,000,000 to India, to enable the Government there to meet the demands likely to be made upon them in the early part of the year, and that has further diminished the means at my command to meet the demands upon the Home Treasury. Under these circumstances I have no alternative but to appeal to this House for power to raise money; and the only question really is, what sum I should borrow. Hon. Gentlemen will see from the despatches that the estimated expenditure in England on Indian account,—*i.e.*, for the interest of debt, payments for stores chargeable to Indian account, and the service funds—will amount to £9,500,000. There is also to be paid on account of railroads about £1,800,000 ; making together, to be provided for payments in this country in the course of the year, £11,300,000. The mode in which that amount will be provided is as follows:—The probable expenditure on account of the railroads in India during the year will be at least £7,500,000, and, as some little balance must be provided, I may state the expenditure in the course of the year 1861-2 at £8,000,000. Of that sum about £530,000 has been raised, and there are available calls upon shares to the extent of £1,300,000, so that £1,830,000 may be considered as more or less provided for, and the balance of rather more than £6,000,000 is what must be raised by the railroad companies in the London money-market between now and April next. Speaking in round numbers, £6,000,000 will be required for expenditure in India, and £2,000,000 in this country. The amount required to be expended in India is the measure of the sum available for the Home Treasury, because, come what will, the Indian Treasuries will provide this £6,000,000 for the railway expenditure in that country. Deducting that, therefore, from the £9,500,000, which is the amount due from the Home Treasury for various purposes, there remains to be raised £3,500,000. I may probably in the course of the year obtain the repayment of the advances made in India on account of the China expenditure, which are estimated at about £1,000,000 ; but at the same time I cannot be quite sure that the railway companies will provide all the money which they ought during the year, and, therefore, I propose to borrow a sum of £4,000,000. What it may hereafter be necessary for me to do I am not at present in a position to state. If the railway companies raise in the course of the year a sum sufficient to meet the expenditure in India it will not be necessary for me to borrow a shilling more. If, on the other hand, they cannot pay in the amount required to meet the expenditure on railway account in England and India, I may have, as I did last year, to ask Parliament for power to raise money for railway purposes. This is a subject of such vast importance, and it is in my opinion so desirable that the country should know what is the full extent of the demand which may be made upon it, that I will with the permission of the Committee state the general position of railroad finance in India.

Previous to the breaking out of the mutiny several large and extensive railways were sanctioned. Without going into details, I may state that according to the Indian estimate the amount required to construct railways already sanctioned is £56,000,000; according to the English estimate it is £54,600,000 ; but, judging from past experience, I am disposed to think that the Indian estimate is the more correct of the two. There has been guaranteed up to the present moment £36,556,000 ; there has been paid up £32,190,000 ; and, according to the last account from India, which is not of very recent date, there had been expended £30,802,000. It follows that there will have to be raised before the railways are completed a sum of about £25,000,000 more. I have no doubt that, had things gone on as prosperously as they were before the mutiny, there might have been no difficulty in raising the money ; but, on the one hand, the expenditure arising from the mutiny has rendered it necessary to borrow from £40,000,000 to £50,000,000, which have made Indian securities more plentiful than is advantageous in the money market; and, on the other, the present state of that market, owing to the uncertainty which exists as to what may happen in Europe, keeps interest at a rate which is not favourable to borrowing money on a large scale. There is not much use in discussing that subject now. Government is pledged to this extent; that sooner or later these undertakings are to be carried out, and the only question is, what practical steps it is necessary to take at the present juncture? I have no hesitation in saying that it is our interest to finish those railroads which are now in hand as quickly as possible. The shareholders receive 5 per cent whether the works are finished or not, and altogether irrespective of the existence of any receipts from traffic. A strong opinion exists in India with regard to the management of railroads, but it is not necessary that I should go into that question now. As far as pecuniary interests go, it is the Government rather than the shareholders who are concerned in the early completion of these lines, because until they are completed no returns can be expected from traffic, and it is to that source that the Government look for a diminution of the heavy payments of interest they have guaranteed. The Government of India feel that so strongly that they are willing to recommend what, otherwise, would be a most objectionable proceeding—the raising of money in India, to be expended with this object. I believe it would be far better on all accounts that the money should be raised here. At present we are paying no less than £2,000,000 per annum for guaranteed interest; that amount is of course increasing every day, and we cannot hope to put an end to this growing charge till the railroads are actually completed and at work, when we may be able, to some extent, to recoup ourselves. Those which we have determined on pushing forward with the utmost despatch consistent with the proper execution of the work are lines which in the present crisis in America must be looked to with the greatest interest. One pierces the cotton district, and the other skirts its very edge. The only delay which will arise will be occasioned by the natural obstacles that present themselves. There are other railroads on which no capital has yet been paid up, and on which, therefore, we do not pay interest; we propose that the commencement of these shall be postponed. I by no means say that their completion will not ultimately be of importance, for they will fill up gaps in the communication, but, generally speaking, they pass through rather a desolate country, and, therefore, they are not so pressing. The demand, then, for this year will be £8,000,000, and the indispensable requirements for the next two years will be £6,000,000 or £7,000,000. In all, allowing for contingencies, £24,000,000 or £25,000,000 will be required for the completion of the lines of Indian railway which have been laid out, and which are requisite for the development of the resources of the country. Some gentlemen did me the honour of calling on me, and of representing that large sums ought to be raised for the prosecution of public works in India. I apprehend they were hardly aware that, directly or indirectly, the Indian Government is responsible for the large amount to which I have referred. And I must say that I do not believe we could apply money to any purpose so profitably as to the completion of those railways. Other undertakings may be more immediately remunerative; but we are pledged to the railways, and by completing them we shall be relieving ourselves from annual payments in respect of guaranteed interest, the amount of which may then be applied in reduction of duties justly complained of as oppressive, or in the advancement of other public works, the advantageous character of which may be hereafter urged upon the Government. Another question to be considered is whether, in the present state of the money-market, we should be justified in asking for a larger sum between the Government and the railway companies than £12,000,000, the interest of which, if we obtain it, the Committee will bear in mind is £600,000. I am told, indeed, by some of my friends that the more I ask the more I am likely to get; but I do not think the experience of last year justifies such an expectation, and the City authorities whom I have consulted do not lead me to entertain that opinion. I believe the wise course is to ask for that which will meet the present emergency, and see what its result will be, and then in more favourable times to renew our demand upon the money market. I am aware that the object which these gentlemen have in view is the vitally important one of developing the resources of India. But that is a question to which I have not at any time been blind. When I first became President of the Board of Control, railways in India were in their infancy, and it was suggested that the main lines should be treated simply as experimental lines. After having put myself in communication with my lamented friend the Marquess of Dalhousie I determined that they should be completed as soon as possible. The opening of the Godavery was also a project of which I early saw the importance, and I ordered a survey of it, believing that it was capable of being made a great high road of traffic to the interior. But all the plans for the improvement of India were most lamentably interfered with by the Sepoy mutiny, and it is not likely that so great a storm could have passed over, or have calmed down, without leaving traces of its mischievous effects, and one of those is the interruption of public works. Happily the accounts which we receive of late show that its injurious results have nearly expired, and in the course of this year, or at any rate at the beginning of next, I hope the Indian authorities may turn their undivided attention to peaceful pursuits, and to the amelioration of the internal state of India. I am fully aware of the importance of the subject of the production of cotton in India, and it is one in which I have always taken a deep interest. I have been in communication with many gentlemen who have a commercial interest in it, and all I can say is that they shall receive the support and heartiest co-operation of the Government. I think that they are now taking a correct view of the subject, and nothing that the Government can do in this respect shall be wanted. I have already stated that we have urged the completion, as rapidly as possible, of those works which, by improving the carriage down, will bring the producing country into convenient connection with one of the best harbours on the west coast. With respect to the Godavery, I think, myself, that it is better in the hands of the Government, and that is the opinion of Sir William Denison, a most experienced engineer officer. The House may rest assured of this—that no unnecessary delay shall take place; but that the Government will do all in their power to accomplish the opening of that river. I am not very likely to overlook what I may call a pet project of my own. The loan which I am about to ask power to raise is required for home expenditure. I should be very glad to leave as much money as possible in India for the purposes of public works, for I believe it can be applied with more advantage there; but whether there be a deficiency or a surplus in India, it is equally necessary that I should be supplied with means of meeting the demands for the home expenditure on account of the Government of that country. It is, therefore, that I propose a Resolution as a preliminary to a Bill to empower me to raise a sum of money. The sum I propose to ask for, and which I shall put in the Bill founded on this Resolution, is £4,000,000. The right hon. Baronet concluded by proposing—

"That it is expedient to enable the Secretary of State in Council of India to raise money in the United Kingdom for the service of the Government of India."

Sir Charles Wood

Mr. BAZLEY said, he proposed to make a few remarks on that portion of the statement of the right hon. Gentleman which affected the commerce of India. The northern part of the United Kingdom might probably soon be embarrassed by the want of raw material, but independent of that no new-born zeal induced him to claim justice for India, and the development of the vast resources of that dependency. The resources of India were daily becoming more apparent, but, as an agent for their full development, the establishment of public works was indispensable. He considered that the statement which the right hon. Gentleman had made, considering the difficulties which surrounded him, was eminently satisfactory. As the first agent of progress the means of communication were required. At present they were so lamentably deficient, that they had neither the means of taking their manufactures to the interior of the country, nor of bringing the productions of the country to the seaboard for transmission to this country. Indeed, so difficult was the access, that the funds which had been charitably subscribed to relieve the famine in the North-West Provinces were mostly expended in the transit, so that if a gentleman subscribed £50 to the fund, £40 of it would be expended in carriage. A gentleman writing from India said, had there been cheap and easy communication the famine now raging would not have existed. Again, for the cotton coming to the London markets the ryots received only 2*d.* per lb., while the price here was 6½*d.* What would our agriculturists say if the carriage of their produce was 200 per cent on the value in this country? As between the price of cotton in America and the sum which it cost here there was only the difference between 7*d.* and 8*d.* or 12½ per cent. He believed that under a proper system cotton could be had from India at as low a rate of carriage as from the United States; but railways of themselves would not afford the best means of carriage. The canals and rivers were the natural channels of communication for heavy traffic, and he hoped canals would be established both as means of communication and for purposes of irrigation. He wished he could induce the Minister of India to come forward and ask for such a sum as would give them roads and canals within a short space of time. There was another subject of much importance. He alluded to the land tenure in India. He hoped the system would be improved so that property could be passed from hand to hand as it was in this country. Though on the railways the cost of carriage would still be relatively high, still, on present rates, it would be a great reduction. He hoped, however, that the railways would not charge more than one-third of a penny per mile on cotton making its way to the seaboard. One-eighth or one-tenth was the rate charged on the Mississippi. His personal knowledge of the subject induced him to say that, with improved cultivation, India could produce cotton as good as the American, but from the agricultural Returns he perceived that 12*s.* an acre was the whole pecuniary produce in India, while in America it was £12 per acre. He regretted that greater exertion was not made to induce a larger production of cotton in India. Last year our consumption of the raw material was 2,500,000 bales of cotton obtained from all sources. Of that quantity 85 per cent came from the United States, 8 per cent from Egypt, Brazil, and other foreign sources, and only 7 per cent from the East and West Indies. The disproportion between our colonial and our foreign supply would appear still greater, when they took into consideration the question of value. He calculated that last year we paid America £26,000,000, and Egypt and Brazil £2,500,000, while we only paid £1,500,000 for the cotton which we received from our own possessions. The Indian mutiny had unfortunately led the Government to take a step which he deeply deplored. Before that event the import duty upon British goods was 5, but afterwards it was raised to 10 per cent. The result had been to encourage the establishment of rival manufactories in India to an immense extent. Within the last few days a gentleman had told him that there were at present eight new and extensive spinning and weaving concerns in Bombay, and that there were already 4,000 power looms at work. All that had been done in the face of immense disadvantages. For instance, machinery which in Lancashire or Lanarkshire would cost £100,000, would cost £300,000 in India; and coal, which could be had in England for 10*s.* per ton, sold in Bombay for £3. There was, however, an immense saving of wages, for while a very moderate concern in Lancashire would expend £400 a week under that head, the cost in India would only be £100. That saving of £300 a week in wages could not but hold out a very great inducement to speculators to establish mills in India. It was, however, only just to the Indian Government to say that they had reduced the duty on cotton yarns 5 per cent; but he trusted that before long there would be no duty at all on goods imported from England. Our exports to India during the last year had amounted to £18,000,000, while our imports from it were only worth £15,000,000, showing thus a large misdirection of energy and capital. If, instead of that excess of three millions in their imports, the capital in India had been applied to the development of the natural resources of the country, an immense advantage would have accrued both to the natives and to us. They had great and varied resources, which a wise Government would labour to develop instead of encouraging the formation of resources which were merely artificial. He was sorry to say that our exports were diminishing, a fact that must produce a depressing effect upon our manufactures. Since the commencement of the year they had, in fact, fallen off to the extent of 20 per cent as compared with the same period of last year; and that fact, coming at a time when a large expenditure had been incurred in the erection of new mills, was very disappointing. The history of the American cotton trade afforded strong grounds of hope for India. It was only seventy-five years ago that America entered upon the growth of cotton, and it did not succeed without great outlay and exertion. The labour was not aboriginal, and the plant was not indigenous, nevertheless, the cotton trade of America had become one of the wonders of the world. The value of the cotton of America was £45,000,000 per annum; and a similar triumph was in store for India if similar means were taken to develop its resources. America had largely benefited from her intercourse with this country during the last two years. Last year we imported from her £20,000,000 worth of corn, and £26,000,000 worth of cotton, making a total of £46,000,000; whereas our exports to her had been only £24,000,000. This year those exports, he was sorry to say, were rapidly diminishing. In cotton goods alone we had sent out 25 per cent less in the first four months of 1861 than we did in 1860. The total exports of the United Kingdom last year amounted to £136,000,000, of which the cotton trade alone furnished £52,000,000—a fact alone sufficient to show the vast magnitude of that industry, and the necessity there was for providing a requisite supply of the raw material. He viewed with some alarm the present aspect of affairs, though not perhaps to the same extent as the hon. Member for Inverness (Mr. Baillie), for he still hoped that means might be found to arrive at an amicable settlement, in which case we might not suffer any serious inconvenience, while at the same time we should have learned the lesson not to extend our commercial operations too rapidly, and not to vaunt too highly our great prosperity. During the first quarter of this year we received 7½ per cent less of cotton than we had during the first quarter of last year. There had been lately, however, an increase in the number of mills, and our increased power of production could not be less than 10 per cent, so that embarrassment and confusion would be the result. Up to the present time we had received a less supply of cotton by 15 per cent than we did during the same time last year. Therefore, our condition seemed to be one of increasing difficulty and embarrassment, and called for greater exertions on our part to obtain somewhere new supplies of cotton. He hoped the Indian Government would look seriously to this matter, and encourage to the utmost the cultivation of cotton in India, whence abundant supplies might be had. He trusted that some one would inquire of the Indian Minister whether the beneficent proclamation of Her Majesty had been carried out, and whether the admirable Minute of the noble Lord (Lord Stanley), touching the sale of waste lands, had been acted upon? He feared that the answer in neither case would be in the affirmative. If, however, the acts of the home Government and of the Government in India were not in harmony, they could not expect satisfactory results. It was quite true that there were other places from which we might expect supplies of cotton. Many of our colonies were admirably adapted to its growth; in fact, we had more cotton-growing territory than any other Power in the world, and yet we only received 7 per cent of our supply from British territory. We had the West India Islands, which were lying comparatively idle. We had also a vast and magnificent territory in Australia—namely, Queensland, which was under the care of a most enlightened, able, and energetic Governor, Sir George Bowen. He (Mr. Bazley) could state, from his personal knowledge, that no cotton that was ever grown was comparable in point of quality to the cotton of Queensland, and we might have any quantity of it. For his own part, he had always been of opinion that it would be unwise for a great manufacturing country like England to depend upon any one particular locality for her supply of cotton, even though that locality might be within her own territories. The greater the number of our sources of supply the greater in that respect our security, and he must do his friends in Manchester the justice to say that they had made no slight exertions with the view of increasing the quality of cotton to be obtained from new fields. Six thousand bags of cotton, indeed, he believed, had reached this country last year from twenty-four new fields, and of that quantity a very considerable portion, equal to the average New Orleans cotton, he was glad to find, came from Western Africa. He had, in conclusion, simply to express a hope that our attention would be turned to the cultivation of the land which lay ready to our hands in India, and if we did so the object which we sought to attain would, he felt assured, be achieved at no distant day.

Lord STANLEY said, he only rose for the purpose of making one or two remarks on the question which had just been brought under their notice. It was obviously impossible to criticise at once the proposition of the right hon. Gentleman. It was never wise to attempt to enter into a minute examination of any financial scheme until time had been given for its consideration, and in the present case it was clearly impossible for the House to discuss the general state of our Indian finances, because they could not regard a telegraphic summary of the statement of the Finance Minister in India as that statement itself; and although his right hon. Friend had given them all the information he possessed himself upon that subject, everybody who possessed any acquaintance with India was aware how uncertain were all financial estimates and anticipations in that country, how widely they sometimes differed from the actual results, and how impossible it was to speak of financial totals in such a case until all the figures were produced. It was clear, therefore, it would be necessary that an opportunity for the full discussion of the proposition of the right hon. Gentleman should be furnished at a later period of the Session, and, that being so, he should not trouble the House by dealing with it at any length that evening. He might, however, be permitted to observe that there was one remark made by his right hon. Friend which he had heard with great satisfaction—he alluded to the statement that the military expenditure of India was this year being rapidly reduced, especially in the case of the Native army. Upon that reduction all our prospects of equalizing revenue and expenditure, he felt confident, hinged; for any retrenchments which could be effected in the salaries of the civil servants, or by putting a stop to the prosecution of unnecessary works, would be found to be comparatively insignificant, and would by no means greatly alter the general result. The question, indeed, had long been regarded in that light; for ever since the pacification of Oude had been accomplished, the reduction of the Native army had been continually pressed on the attention of the Indian Government. That that reduction should be carried out to a large extent he thought the House had a right to expect. The danger, it was true, of turning loose on the country a number of men accustomed to the use of arms, and naturally indisposed to take up any other profession, was not to be altogether lost sight of; but when the present state of India was taken into account; when one reflected how completely her internal peace had been restored; how well-disposed the Native princes were towards us, and how thoroughly our power had been re-established and consolidated in that quarter, it would, he thought, be admitted that we should be able to carry on our administration there with a much smaller military force than we had hitherto deemed it necessary to maintain. He might add, with respect to the loan for railways, that the right hon. Gentleman was, in his opinion, perfectly right in proposing to push on those works. Indeed, in the actual state of affairs, the only option left to the Government was either to assist the railway companies by the resources of the Government, or to leave the railways in an unfinished state, when they would be likely to suffer to such an extent from the action of the elements and other causes, that the cost of restoring them to their present state would in many instances be as great as that of carrying out the original plan. It would be idle in dealing with that particular point to raise the question whether it was desirable, with the view to the promotion of the interests of India, that the railways should be completed, or canals and works of irrigation taken in hand in the first instance, because, so far as the Home Government were concerned, they were pledged in a manner quite irrevocable to the adoption of the former course, by the fact of the guarantees that had been granted unless they were prepared to sacrifice the interest on all capital which they had already guaranteed. But he regretted to hear his right hon. Friend state, if he understood him rightly, that he was inclined to keep in the hands of Government officers those other works which they all knew were so necessary in that country—such works as canals, works of irrigation, and the opening of rivers. It seemed to him quite clear that the Government, having undertaken the construction of railways to an extent involving an outlay of between £20,000,000 and £30,000,000 for the benefit of India, would have no money available for the prosecution of any other works not absolutely necessary. Canals and works of irrigation, therefore, must either be neglected or some means must be adopted of committing their construction to private hands, different from any to which we had hitherto had recourse; for he regretted to say that the only one public work which had been undertaken in India without a Government guarantee, and which would not involve a loss of one shilling to the Government in the event of its failure, appeared to him—and he had looked into all the circumstances of the case—scarcely to have been dealt with in a fair or friendly spirit. He did not, however, rise to discuss the affairs of any particular company, and would simply add that he thought the Government would find that they had as much work as they could accomplish in the completion of railways in India, and that the construction of other works of importance must either be suspended altogether or intrusted to private individuals. Taking it for granted that they would not, in agreeing to any Resolution on the subject that evening, be pledging themselves to the amount of the loan, he should reserve any further observations which he might have to make for a future occasion.

MR. J. B. SMITH said, he could not but express his disappointment at the circumstance that the right hon. Gentleman the Secretary for India had, in proposing to raise so large a sum of money for railways, shown so little affection for what he called his "pet scheme"—the opening up the navigation of the Godavery river—a work which might be carried out by merely making an addition of 10 per cent to the amount now asked for the construction of railways. The Godavery led into the finest cotton districts of India — districts hitherto inaccessible except on those occasions when cotton stood at so high a price as to enable merchants to pay extraordinary sums for its carriage on the backs of bullocks. A few years ago some native houses under those circumstances made an attempt to convey cotton from Berar, a distance of nearly 600 miles, and 30,000 bullocks were employed for the purpose, but thousands of them perished of hunger and fatigue because sufficient provender could not be procured for them on the route. If New Orleans had adopted the same system as the Government of India had done, and been content with having its cotton brought there on bullocks' backs, instead of by means of the Mississippi river, it would never have been the great and flourishing place it had become. What was wanted from India was good cotton, and that would never be obtained until there should be a cheap conveyance for it. They would probably receive 1,000,000 bales of cotton during the present year from India, as all the rubbish that could be scraped together would be sent over now that the price had risen so high. But that was not the sort they wanted. They required good cotton, and good cotton could be got from India as well as from America if its carriage to market were equally cheap. Cotton was brought down the Mississippi 1,000 miles for half-a farthing a pound, and for the same price it could be brought 500 miles down the Godavery, if that river were made navigable. About a year ago a company proposed to make this river navigable; but at that time the right hon. Baronet the Secretary for India preferred that the work should be carried on by the Government, because it would be impolitic he said to impose tolls on the traffic, as a company necessarily must, to compensate them for their outlay. If it were thought advisable last year to open out the river, it had not been rendered less desirable by occurrences which had taken place since. No one could foresee what effect the events on the other side of the Atlantic might have on the supply of cotton. There could be no objection to the opening out of the Godavery on the score of the great expense of the work; and when the right hon. Gentleman talked of £8,000,000 for railways, £300,000 or £400,000 for opening the river constituted no immense expenditure for an undertaking which Sir Charles Trevelyan, who had travelled through the district and described it as one of the richest in India, declared to be of the highest importance to India, and claiming the first attention on the part of the Government. He believed that in a few years the opening out of the Godavery would yield the Government 100 per cent per annum on their outlay while the great increase in the consumption of salt, which was a Government monopoly, and the carriage of Government stores alone would nearly pay the annual interest on the outlay. He would mention an instance of the effects of cheap carriage: the Indus having recently been opened and steamers placed on it, a flax company in Ireland had been induced by these facilities to send an agent to India to obtain flax. The agent stated that when he got out he found that the flax grown was only eight to twelve inches high, he found that the land prepared for its growth was merely scratched with a stick, and that from generation to generation there had been the same seed without change. This gentleman tried the experiment of an English plough and ploughed a portion of the land, sowed it with fresh seeds from Europe, and had the satisfaction of finding that flax was thus produced four times longer than that previously grown. Similar results would take place from a better cultivation of cotton under English superintendence, and that better cultivation would come if only cheap conveyance were obtained. The right hon. Gentleman said that he was glad to see Englishmen going out to India to cultivate cotton. But, he would be mistaken, they would not go out because they could not successfully cultivate cotton unless he gave them conveyance to market equally cheap with America. On Friday last the Under Secretary for India (Earl de Grey and Ripon) stated in the other House that the Government had appropriated for opening out the Godavery the sum of £30,000 during the present year. At that rate of expenditure it would take fifteen years to open out the river, whereas the work might be effected in two years if the Government authorized the engineers to set about it in different parts at once. He heard the other day a similar account respecting the improved growth of cotton in India to that which he had related respecting flax. An English gentleman in Madras turned his attention to the cultivation of cotton, and produced 1,000 bales last year of a quality worth 7*d*. a lb., double the price of ordinary India cotton; but not one pound of that cotton came to this country, the whole of it went to Calcutta for the Indian manufactures. He, therefore, had no doubt that if the attention of Englishmen were directed to the cultivation of cotton, and if they were encouraged to do so by the facility of cheap carriage India could be made to produce cotton equal in quality to that of America, and to as great an extent this country might require. He hoped, then, the right hon. Baronet would not take upon himself the responsibility of delaying the great work of opening up the Godavery for fifteen years, but set about it immediately. If the right hon. Baronet did not take that course, then he (Mr. Smith) would appeal to the noble Lord at the head of the Government. The noble Lord was distinguished at all times for protecting the persons and property of Englishmen in all parts of the world, and had even sent large fleets to collect money unjustly withheld from British subjects. He, therefore, did not believe that the noble Lord would at the present moment withhold from the English people the means of obtaining a supply of that most important article, on which the welfare of 4,000,000 of the population depended.

Mr. VANSITTART said, that notwithstanding the statement of the right hon. Baronet, and which he had introduced with one of his usual *couleur de rose* speeches, it appeared to him that on the whole it rather confirmed than otherwise the gloomy view which he (Mr. Vansittart) took of the state of our Indian finances last year. On that occasion he ventured to draw the attention of the right hon. Baronet to a speech of the late Mr. Wilson, which he delivered in the Calcutta Legislative Council, in the course of which he inquired "What is to be the state of our Indian debt, if we are to resort to the miserable disreputable expedient, of continuing to borrow in time of peace?" He regretted that that warning appeared to have produced so little impression upon the right hon. Baronet that, not satisfied with asking the House for power to raise a second loan this year in this country, he only so recently as on the 2nd of May last, in paragraph 33 of his letter to the Governor General, gave his sanction to his raising a loan in India. That seemed to him to be very much like burning the candle at both ends. If they required proof of the state into which the Indian finances were falling it was only necessary to refer to the correspondence contained in a Return which had been placed on the table during the last few days. In a letter dated the 5th of February, 1861, and signed by Messrs. Frere, Beadon, and Laing, and addressed to the right hon. Baronet, it was stated that "by the 1st of May of this year the cash balances in India will be reduced to the lowest point at which it is possible to carry on the government of the country;" that the deficit in 1860-1 amounted to £6,678,000; that, looking to the remissions of revenue which it would be necessary to make on account of the famine, and the disbursement of £664,000 on account of prize money, the current deficit would be in round numbers £5,000,000 (which was recognized in the 19th paragraph of the right hon. Baronet's reply, already referred to); that, with the exception of the licensing tax, no new taxes could be imposed; and, lastly, that no further reduction of expenditure was feasible. These gentlemen, moreover, verified the prediction which he ventured to make last Session in regard to the unproductiveness of the income tax. In their letter of the 5th of February, to which he had just referred, they

> "Calculated that the full year's collection of the income tax for 1861-2, with the arrears of the previous half-year not collected by the 30th of April, would give a total receipt for 1861-2 of £2,500,000, or every £2,800,000, being £2,000,000 more than the receipt from the income tax in 1860-1."

But on the 13th of March, only five weeks later, these gentlemen wrote—

> "We apprehend that our estimate of the produce of the income tax for 1861-2 may have been taken considerably too high; and we hardly venture now to place it at a higher figure than £2,000,000, or £1,200,000 above the estimated receipt for 1860-1, given in our regular estimate."

It would, therefore, appear that that odious and oppressive tax, by which it was supposed that the restoration of the Indian finances would be effected, barely yielded £2,000,000 a year, which had to be wrung from 200,000,000 of people, amid great discontent and sullenness. Then, again, there was a claim for £250,000, which had been alluded to that evening by the hon. Member for Inverness-shire. As he did not find that the right hon. Gentleman the Chancellor of the Exchequer had made any provision in his rash and improvident Budget to liquidate that claim of £250,000, the correctness of which the right hon. Baronet recognized in his letter in reply, and as no allusion whatever had been made in these estimates to the half-million which the right hon. Baronet had ordered to be paid to the Mysore family, he thought he would find that the pleasant dream of an equilibrium, in which he was so apt to indulge, was very far from being realized. Under those circumstances it appeared to him that the first thing to be done in order to place the Indian finances on a satisfactory footing was to restore that confidence in the Native mind in respect to the soundness of our financial and commercial schemes which we had lost since the mutiny. The late Mr. Wilson was of opinion that the existing railways ought to be completed not only at any cost, but quickly. It was, he believed, calculated that an additional capital of £24,000,000 would be required to be raised for that purpose, and that of the shareholders, numbering 17,118, only 336 were Natives. It was a notorious fact that the railway companies could not raise this additional capital, as they were unable to compete in the money market against the Secretary of State for India and his Council, although precisely the same terms, rate of interest, security, and guarantee were offered by both parties. If the right hon. Baronet was sincerely desirous to bring about a more favourable state of affairs, and to implant confidence in the Native mind, he should lose no time in introducing such a Bill—which should take precedence of all other Indian Bills—as would prove to the people of India that he was determined to uphold the power and credit of that country from home. Now that India had been made financially one with England he was bound to come forward with a bold and comprehensive Bill, explaining what our future financial policy was to be in regard to that country. He ventured to warn the right hon. Gentleman that he would not succeed in carrying out that object by simply coming down to that House year after year and asking for small irritating loans, which were only calculated to meet the exigencies of the present hour.

MR. CRAWFORD said, it was more desirable that the discussion should be confined to the subject before them than that they should enter into the whole question of Indian finance, Indian economy, and Indian everything at that time. The proposal of the right hon. Baronet was to ask the House to give him power to raise the sum of £4,000,000 sterling to make good a deficiency in the general balance of the Indian Exchequer; and if the railway companies should not be successful in obtaining the money necessary to enable them to carry on their works, then the right hon. Baronet said he was prepared to ask Parliament in the course of the Session for powers to enable him to raise the money for that purpose. It was clear to his mind that the right hon. Gentleman, in asking Parliament for the power to raise that money, would not place any additional burden upon the market. He would merely take power himself to do that which he apprehended the railway companies might not be able to do. The question was would the railway companies be able to raise the money? He had no doubt whatever that, if it were not for the state in which they found the money market placed, in consequence of the events occurring on the other side of the Atlantic, they would have no difficulty at the present time in raising all the money necessary for the purposes of the railway companies. He obtained power about a month ago for the company he was connected with to raise a sum of £1,000,000. He was proceeding satisfactorily with the operation, but two days before that on which it was to have been brought to a close, the Bank of England was compelled, in consequence of the advices received from America, to raise the rate of discount, which increased the value of money in this country, and but for that fact he had no hesitation in saying that he should have no difficulty in raising the £1,000,000. As it was, he should pay into the hands of his right hon. Friend on the next day very nearly £400,000. It must be clear to the minds of all those who watched the progress of events in India, and took an interest in this matter, that the security offered by the railways was not undervalued by the public. What the money market feared was these constant applications for money for the service of India. Year after year the Secretary of State asked for fresh powers to raise loans, and the public always doubted whether the last of these loans had been reached. He trusted, however, that after the statement of his right hon. Friend that evening, the public mind would recover itself, and that the value of these Indian securities would rise very considerably in the market. Reference had been made in a despatch from the Governor General to the extravagant system of expenditure on which Indian railways were constructed. It should, however, be remembered that the whole of the railway companies in India carried on their operations under the direct control and superintendence of the Indian Government. If any extravagance took place, therefore, it could only be with the concurrence of the Government, whose officers had the power of checking it. He did not, however, believe the statement. He doubted whether there would be found anywhere railways either of a better class, or constructed at a cheaper rate than those of India. He made that assertion with great confidence on the authority of persons who had seen the Indian railways. Nor was there anything in the cost of these railways that would justify so positive a statement as that made by the Governor General of India. The East Indian railway, in which he had an interest, connected the port of Calcutta with the imperial city of Delhi on the Ganges. The length of the line was 1,140 miles, and it would be opened, if not all the way, at all events Agra, 900 miles, by the end of next year. The Committee would bear in mind that there was not a single railway in existence of that length; and having regard to the physical difficulties in constructing a line of that extent in a tropical country, the various impediments in the way, and the time that had elapsed since the work was first undertaken, the result could not be regarded as unsatisfactory. Not less than 371 miles of the railway were in actual operation, and the average returns upon the cost of the line already opened were sufficient to pay the whole of the guaranteed interest upon that part of the line. He believed the time was not far distant when the railways of India, so far from constituting a charge on the resources of India, would, independently of the great collateral benefits to be derived from them, bring in a large annual sum in the shape of interest on the advances made by the Indian Government. His hon. Friend the Member for Manchester talked about the want of communication. On that subject, however, he would beg to recall to his attention a document published in August, 1847—the Report of a Committee appointed in the Bombay Presidency to inquire into the question of the cotton supply. The whole basis of that Report was the want of communication with the interior. Whatever the value of canals might be, there were no doubt many cotton districts which it was impossible to reach by means of canals. His hon. Friend had talked of the land tax, and was in favour of the system of redemption which had been proposed by the noble Lord (Lord Stanley). But when they talked of revising the land tenures, it must be remembered that India had been in a state of civilization for 3,000 years; and that the tenure and value of land in India rested on a basis as well understood as the tenure and value of land in this country. Again, these cotton lands were the most valuable in India, and it was not to be supposed that cotton was the most valuable production which could be raised there. In a densely populated country food was the most profitable article of cultivation. It seemed as though some hon. Members thought they had merely to express a wish for the growth of cotton in India, and the native would at once produce it, merely because we found it desirable to import large quantities of cotton into this country. The people of India could not be expected to put out of cultivation more valuable products to gratify our wishes in this respect. As to the supply of cotton from India, it might be observed that within the last year the whole supply to this country was 800,000 bales; whilst within the first five months of the present year the supply from Bombay alone was 550,000 bales. Large quantities were also exported from India to China, and it might be found desirable to import cotton from China to this country. Strange and paradoxical as it might seem, he (Mr. Crawford) believed that India produced, bale for bale, and pound for pound, more cotton than the United States. There were 200,000,000 of persons in India to be clothed, and though they might be very lightly clothed, still a large quantity of material was requisite to supply this demand. India supplied her own people and sent to this country and to China her surplus production, and in facilitating the export of that one of the main points for consideration by the Indian Government was the provision of railway transit between the seacoast and the cotton districts. His hon. Friend seemed to view with some apprehension the establishment of mills and manufactories in India as the result of the increase in the import duties there upon British manufactures. No doubt this might prejudice the interests of Lancashire; but every well-wisher of India ought to think that rather a matter for congratulation. With regard to the comparison instituted by his hon. Friend between the circumstances of India and those of America, in relation to the cotton supply, he thought no such comparison could be fairly drawn, seeing that America was comparatively a new country, while in India they had to deal with a well-established and ancient civilization. He was glad his right hon. Friend had announced his intention of coming to the House again to enable him to raise money, but he understood the additional powers he had referred to, were to be exercised only under the contingency of the railway companies not being able to obtain money for themselves.

Mr. SMOLLETT said, the Resolution proposed by the right hon. Baronet the Secretary of State declared that it was expedient to borrow money in this country for the service of India. He, for one, was entirely hostile to that policy. According to the right hon. Baronet's statement the finances of India appeared so exceedingly prosperous that the income and expenditure would be balanced at the end of the present year, and, therefore, the right hon. Baronet now sought to borrow £4,000,000, and also expected at the end of the year to have to enter the market again for a similar purpose. That was a most extraordinary proceeding. The hon. Member for London had described the Indian railways as so flourishing, and their prospects as so excellent, that they would return a very large rate of interest, and yet the right hon. Baronet was now about to borrow £8,000,000 or £10,000,000, because the railway companies were unable to raise the money. Surely if gentlemen in this country thought that these Indian railways would return 6, 8, or 10 per cent they would be anxious to lend money for railway purposes; but the fact was that it was because the public did not believe the works would be reproductive, that the Indian Government had come into the market themselves to borrow £20,000,000 or £25,000,000. He (Mr. Smollett) was not one of those who thought there was anything unintelligible in Indian finance. In spite of the attempts at mystification to him it seemed to be quite clear enough; and, certainly, nothing could be clearer than that the present impecuniosity of the Indian Government was owing to the wasteful expenditure which had been going on for some time both at home and in India. Up to 1860 there were only four great sources of revenue in India—the land tax, which produced from £19,000,000 to £20,000,000; the two Government monopolies of salt and opium, £10,000,000; the Customs' duties, about £4,000,000; stamps and some other small items, which together, made up a total of £38,000,000. What was incomprehensible was that, with that amount of income, the Government did not make the two ends meet. That was a task which they ought to be called upon to perform, not only without aid from the country, but without imposing further taxation on the people of India. Instead of that, however, the opposite policy of constant loans with the imposition of new taxes was being pursued. In the year 1859, when Mr. Wilson went out to Calcutta, he told the public that in the year 1859-60 the expenditure was £47,000,000, and the income £38,000,000 showing a deficit of £9,000,000. In 1860-1, after every possible reduction in the Estimates, Mr. Wilson said that, supposing the income to remain the same, he could not anticipate a less deficiency than £6,000,000. Moreover, he repudiated the idea of having recourse to loans; yet we had had and were having constant loans. He insisted, too, upon the necessity of establishing an equilibrium between income and expenditure, and he showed how that could be achieved by an income tax, a tax upon trades and professions, by the introduction of a tobacco monopoly, and by raising the Customs' duties. He sought, in short, to raise the income to the level of the profligate expenditure which was then going on, instead of cutting down that profligate expenditure to the level of the income. But in this he was most unsuccessful; for in 1860-1 the income was only £39,500,000, yet the expenditure still remained at £47,000,000. Now, he (Mr. Smollett) agreed with the late Governors of Madras and Bombay in thinking that the proper policy would have been to have applied ourselves to the revision of our establishments, and not to the imposition of fresh taxation upon the people of India. In his opinion the taxation imposed by Mr. Wilson had been rash and unnecessary. It was certainly unnecessary; for if they turned back to 1856, when the Marquess of Dalhousie resigned the reins of Government, after all those annexations and spoliations for which his viceroyalty was notorious, he left behind him a minute in which he distinctly stated that for all ordinary purposes the ordinary revenue of India was then sufficient. At that period the revenue was between £33,000,000 and £34,000,000, and the Marquess of Dalhousie expressed his decided conviction that every possible exigency of the Government might be supplied with the sum of £34,000,000, including an expenditure of £2,000,000 or £3,000,000 for public works. What had since occurred to discredit or falsify that computation? Nothing but the mutinies. To suppress the insurrection in Bengal—for he took it to have been an insurrection of the people, not a mere mutiny of the army —£40,000,000 was borrowed, the interest of which was £2,000,000 per annum, and that £2,000,000 per annum was the penalty which the people of India were compelled to pay for what Mr. Wilson had termed their most foul and unnatural rebellion. But that was not the only penalty which they were paying. They were now required to provide for an expenditure of £47,000,000 sterling; or £14,000,000 more than the Marquess of Dalhousie thought to be amply sufficient to meet every exigency of the Government only four or five years ago. Surely the enunciation of such a fact was of itself sufficient to show the necessity of an urgent scrutiny into and reform of every branch of Indian expenditure. In his judgment a large sum might be saved in every department of the Government expenditure, and especially in the civil establishments, not by cutting down the salaries of individuals, though much might be done in that way, but by the introduction of new and improved fiscal schemes of administration in the country; by the introduction, for instance, into the territories of Madras and Bombay of the principles of that permanent settlement which Lord Cornwallis adopted in Bengal seventy years ago, and which was the foundation of the improvement and wealth of that portion of our Indian empire. The cry in India was always for more patronage, places, and situations, but, in his opinion, there were two many highly paid functionaries there already. Those parts of the country were best governed where there were fewest officials, and where power was centred in the hands of a small number of experienced officers, as for example in the non-regulation provinces. In fact, the ordinary administration had fallen into the utmost possible contempt in districts where appointments had been multiplied to the greatest extent. It was in the army, however, where the largest amount of reduction should be made. The maintenance of a force of 80,000 European troops in India was wholly unnecessary; 50,000 would be amply sufficient to preserve tranquillity if the country were only governed with justice and moderation, and endeavours were made to conciliate instead of to exasperate the inhabitants. But if the European army was to be maintained upon its present footing there was a great necessity for considerably lowering the pay and emoluments of the officers and soldiers. At present, when a regiment was sent out to India the pay and allowances were at once doubled, and the pay and emoluments of the superior officers became five or six times what they amounted to in this country. The time had arrived when that should be revised; when the pay should be rendered more commensurate with the duties performed, especially in time of peace, and be made nearly identical with the pay of regiments serving in our other tropical possessions. Then there were the staff appointments in India. Since he had served in India they had been multiplied five fold. Places had been made for men, not men selected for places. Last year the Secretary of State said there were 1,200 officers in the local Bengal army alone serving on the Staff, and this was mentioned apparently with the view of showing that the Queen's officers did not get their fair share of the plunder. A lieutenant-colonel presided over the stationary department; captains and majors on full pay superintended ragged schools; and not long ago an officer in the Madras Presidency was selected to be photographer to the Governor, probably to take likenesses of the notables of the Council and of the family of his Excellency. The sum paid for his chemicals and for this officer's general establishment was £1,600 a year. In former times the staff appointments were limited in India, and only a certain proportion of officers could be taken from the regiments; but since the amalgamation of the armies had taken place there seemed to be unlimited opportunities for multiplying these staff appointments. He feared they would be doubled in a few years, though he believed half of those which already existed were not needed. Then there was the Public Works Department, which seemed to be in such favour with hon. Gentlemen connected with Lancashire; though, after having watched it carefully for twenty-five years, he must say that he thought it one of the most expensive, corrupt and profligate organizations in the world. In this country where a work was undertaken by officers of the Government one generally looked for the *maximum* of cost and the *minimum* of profit; but how much more must that be the case in India, where every public work was done by Government officers, from clearing a drain to opening the Godavery. In the Revenue department when immense works were undertaken fabulous reports were spread of the enormous profits derived from them, but those anticipations were too seldom realized. He would instance the irrigation works of the Godavery, which had been often referred to as likely to produce enormous profit; they were begun in 1847 and opened in 1852 at a cost of £300,000. The normal land revenue of the district previously stood at about £200,000 a year, and from 1852 to 1857 it never rose above £204,000. The expenses of maintaining the works, superintendence, and the interest of capital sunk amounted to £40,000 a year, so that there was a clear loss of between £30,000 and £40,000 a year to the Government. And yet all this time the Government allowed their officers to state that the works had paid for this construction from the beginning, and that they were about to pay 70 per cent per annum to the Exchequer. It was now stated, on the authority of Lord Canning, that the public works of reproduction were stopped in India, but on looking into the accounts it would be seen that in 1859-60 £4,500,000 was expended on public works, irrespective of railways, and the estimate for 1860-1 was £4,300,000. The salaries for establishments alone in 1859-60 amounted to between £600,000 and £700,000. These public works might easily be cut down to the level of the Marquess of Dalhousie's time. In the home expenditure very large sums were lavished unnecessarily in subsidies to companies in the City of London, got up, in his opinion, for stockjobbing purposes. The expenditure of £47,000,000 for the year 1860-1 was a great scandal. The interest on the public debt of India was but £4,500,000, and the rest of that large sum was spent—squandered to a great extent—on the civil and military services. Such an expenditure was altogether unnecessary if we governed the country with justice and moderation, but it was now required to be extorted from the Natives of India because we carried on our Government there on the principle of military dominion. That military coercion was the rule of our Government there was shown by the fact that the income tax had been brought down to salaries of £20 in civil life, while all highly paid military officials up to the rank of majors of the line had been exempted. Such an exemption was most unexampled, and could only proceed from a desire to conciliate the military service. So long as our rule was conducted on this principle, so long should we have there a harvest of discontent. The true policy was to reduce expenditure. The Indian Government ought to be compelled to remit money to England for the expenses of the Home Government, instead of the Secretary of State having to borrow it here, and he should certainly, therefore, vote against the right hon. Gentleman's resolution.

MR. DANBY SEYMOUR said, he was sorry to see that the right. hon. Gentleman the Secretary of State for India had inherited a very bad principle of the old East India Company, never to allow a private company to get too good a thing in India. In the instance adverted to by the noble Lord the Member for King's Lynn, a private company was raising money in this country for an object which would have been of great benefit to India, when the right hon. Gentleman turned round and retreated from the conditions to which he had agreed, or, at least, which he had led the company to believe he would agree to. This was the policy of the old company, and very injurious it had been to India, for it had prevented English capital from flowing into that country. The only exception was in the case of the Madras Irrigation Company, where the terms granted were fair and liberal, and the profits of that undertaking would be very considerable. The consequence was that the shares of that company had risen considerably. What they wanted to see in India was one or two companies which paid extremely well, so as to give confidence and enable them to raise capital without this extreme burden being cast on the finances. He believed that the more they reversed the old principles of Government the better it would be for India and for this country. The railways would carry anything but cotton. The ordinary carts might have been seen not long ago carrying cotton side by side with the Madras line. He did not know how far the change in the rates effected by Sir Charles Trevelyan had had the effect of altering such an extraordinary state of things, but he believed that even now other railways did not bring the products, to convey which was the great object of their being made. There had been a small beginning in a new system of finance. The right hon. Gentleman had introduced the income tax, which, in a poor country like India, was an extremely heavy impost, and extremely distasteful to the people. It would be dangerous to persevere in taxing personalty unless they removed the shackles which prevented the accumulation of capital, and the right hon. Gentleman had not taken measures to promote that great object. It was useless to send planters and seeds from South America, or to write despatches about the cultivation of cotton. The one thing needful was to alter the tenure of land. It might be quite true that, in some parts, the people were attached to the present system of tenure; but in such parts they need not alter it, as it was a great mistake to suppose that legislation must be uniform for the whole of a great continent. There were miles upon miles of waste districts adapted to the cultivation of cotton which were once fertile through the irrigation works of former Mahommedan princes. Why were those lands not sold? He would give notice that dormant rights would be extinguished, and apply the same principle which had been successfully applied in America—of selling lands to settlers at low prices. The same cause which now attracted population to America and Australia would draw them to India, and make India prosperous. The parallel between the Godavery and the Mississippi had been questioned, but he had the authority of Captain Haigh, the engineer of the Godavery, who had seen the Mississippi, for saying that there were no more obstacles to making the Godavery navigable than to making any river in America navigable. The hon. Member had appealed to the noble Lord at the head of the Government as one imbued with the spirit of the age, and convinced of the necessity of going a little faster than people who lived in former times. He would ask the right hon. Gentleman the Secretary of State to take an example from his colleague the Chancellor of the Exchequer, whose alterations during the last seven or eight years had given satisfaction to the great mass of his fellow-countrymen? They did not want necessary reforms delayed for twenty years. The noble Lord the Member for King's Lynn (Lord Stanley) had been only a year in office, and he had made a beginning. The right hon. Baronet the Secretary of State had been two years in office, and he wanted to know how long it would be before he would decide on some bold and enterprising measures. If they had begun to govern India in the spirit and with the vigour which the Chancellor of the Exchequer had shown, they would never have had the mutiny. A miserable apathy prevented the cause being removed. They had paid dearly for it, but the same cause would lead to the same results. They would not only have a revolt of the army; but, if reforms were not adopted, they would have a rebellion, and they would lose India.

Colonel SYKES said, that the subject of railways and cotton had an important bearing on the financial position of India. As to cotton, if the Ryot or farmer, who generally had a proprietary right in the land found that the cultivation of it would pay better than the cultivation of sugar he would grow it; he was fully alive to the value of money, and was free from the obligation to raise certain crops in rotation like the English farmer. Experience showed that cotton of any quality could be produced in India. But its prospect of sale depended upon the cost of its transit to the coast, and it was of importance, therefore, to get the cotton conveyed to the coast in the cheapest manner, and, as water carriage was less expensive than the railway, the Government ought to improve the rivers and canals as much as possible. He observed that the Ganges Canal Navigation Company divided at the rate of 34 per cent on their paid-up capital for the half-year ending last December, and he had no doubt that the navigation of the Godavery, if properly carried out, might be rendered equally profitable. With respect to the question of the sale of land in fee simple; the Government had no power to sell occupied land as long as the land tax was paid; but Government might dispose of waste land in that manner with great advantage. That was not the time to discuss the question of finance; but the explanatory despatches laid on the table upon the subject were utterly inexplicable. Whether these despatches were intelligible or not, public works in India could not go on without the assistance of the Government; and he apprehended, moreover, that the right hon. Gentleman, before the Session was over, would have to apply for power to raise more money to pay the home charges of the Indian administration.

Mr. HADFIELD said, he must complain of the great hardship inflicted on trade by the 10 per cent duty which was charged on all goods, except cotton twist, entering India. It amounted, in fact, to a prohibition, and he hoped the Government of India would make a change in that respect.

SIR CHARLES WOOD said, he agreed with the noble Lord (Lord Stanley) in thinking that a discussion on the general state of the Indian finances would not be attended with any advantage until they had later and fuller information on the subject. As to the railways, the Government, after careful consideration, had come to the conclusion that it was better for them to assist the railway companies by advances of money, than to take the lines out of their hands and complete the works on their own responsibility. The Godavery was essentially different from the Mississippi, as extensive and costly works were required to make it navigable, and would probably require the construction of canals in three separate places. No doubt the report of Captain Haigh was a very valuable one, but it would be very imprudent to commence a vast work, such as rendering practicable at all times the navigation of the Godavery, without further inquiry; and, in corroboration of that, he might refer to the proceedings of the Madras Irrigation Company, that model company which had been mentioned by his hon. Friend. In the case of these operations, plans were prepared for the works in four sections, the whole cost of which was to be little more than a million, but it turned out upon more complete investigation, that the lower section of the work alone would cost about a million, and in the other sections the cost would at least be equal to the whole amount of the original estimate for the complete work. As to the danger of beginning works without a full survey, it appears that the same company built a dam across the river, in order to turn the water into a canal for irrigation, which had to pass over some high land, and when built it was found that the water would not run over the heights from that head, so that a new one had to be built eighteen miles higher up the river, in order to gain a sufficiently high level from which to take the water. Thus, from want of a proper survey, from inaccurate estimates and inadequate levels, a considerable loss had been incurred. The result of the operations of this company ought to be a warning to the Government. In his own opinion, if the Government had the means, it would be better for them to construct those works than private companies, because the Government only required a fair interest upon the outlay, while a private company, of course, wishes for a profit besides. With respect to the growth of cotton in India, he agreed that English superintendence would be useful, but the ryots only wanted sufficient inducements to cause them to grow cotton instead of other crops. It was not quite the fact that the want of means of transport at present prevented the extension of the growth of cotton, for cotton was now sent from India to China. Improvements in the means of transport were no doubt desirable, but, as the hon. Member for London (Mr. Crawford), had truly said, the ryots would grow cotton suited for the English market, if the price offered for it were sufficiently remunerative. English superintendence and direction in the various processes of cultivation, picking, and cleaning, would do much towards improving the quality; and within a year or two he hoped the means of communication would be improved, and the cotton brought down for shipment at a cheaper rate than at present. With reference to the duties upon manufactured goods, he hoped that before long they would be reduced to 5 per cent, as that upon yarn had already been reduced; but as a revenue was necessary, it was hardly fair to object to direct taxation upon land, and to indirect taxation by means of Customs' duties. In regard to the tenure of land in India, he had followed out the course adopted by his predecessor in office. It was not true that all the waste lands of India were the property of the Government, but in fact he never could see that the tenure of land was an insuperable bar to the cultivation of cotton, as had been represented, because leases for twenty or thirty years could be obtained. The proposal which he made had no reference whatever to the balance of income and expenditure of the year; he was not proposing to raise money to supply a deficit, but to supply immediate wants, because he had not, as he had during the last year, a considerable balance available for home expenditure. He was inclined to think that there would be no deficit at all in the course of the year, and, therefore, neither in the last year nor this, should he have to borrow a single sixpence, as he hoped, for the public expenditure of India. He might, however, have to borrow for the railroads. If the state of the money market enabled the railway company to raise the necessary capital for constructing the line, he had not the slightest wish to interfere, and he should only ask for power to raise money for that purpose, if the companies were not able to raise the necessary capital themselves upon reasonable terms.

Resolved,

"That it is expedient to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the service of the Government of India,"

House *resumed.*

Resolution to be reported *To-morrow.*

DEATH OF ADMIRAL DUNDAS.

OBSERVATIONS.

Order for Committee (Supply) read.

VISCOUNT PALMERSTON: I rise, Sir, to move that you now leave the chair, in order that the House may go into Committee of Supply, and I cannot refrain from taking this opportunity of expressing the deep regret which Her Majesty's Government feel at the great loss which the country has sustained this very morning by the death of Vice Admiral Dundas, a most distinguished officer, who was for forty-five years in the service of his country, and who equally distinguished himself in every sphere in which he was called upon to act. He was eminent for the good discipline and order of the ships which he commanded, he was distinguished by the gallantry and good judgment with which he conducted every naval operation in which he was engaged, he was most valuable as a public servant in the direction of naval affairs at the Admiralty. Whether at the Council Board or on the quarter deck his merits were equally eminent, and his services were equally valuable to the country. It would have been an omission of which we should have been sorry to be guilty, if, upon this occasion, in moving that you, Sir, leave the chair, in order that we may go into Committee on the Naval Estimates, we had not expressed our deep sense of the loss which the country has sustained, and had not paid a tribute of respect to the memory of a distinguished and valuable servant who has been unexpectedly lost to the public service.

SIR JOHN PAKINGTON: Sir, I cannot refrain from begging permission to add a few words to what has been said with so much feeling by the noble Lord, and to express the very deep regret with which I heard this morning of the loss which the country has sustained by the sudden death of my gallant Friend Sir Richard Dundas. During the time that I had the honour of being at the head of the Admiralty I had the advantage of his assistance at the Board, and I am sure that every one who was acquainted with that gallant Officer will feel as I do, that it was quite impossible to be connected with him so intimately to see him as I did from day to day, without forming the highest opinion of his character, and feeling for him the warmest friendship and attachment. He was a distinguished ornament of the naval profession, he was an honourable, frank, and straightforward colleague, and I deeply lament his loss, not only upon those accounts, but as a private friend for whom I felt the greatest value and respect.

ADMIRAL DUNCOMBE: Sir, I hope I may be permitted to say one word to lament the death of my old and valued Friend Sir Richard Dundas. Many years ago I had the pleasure and honour of serving under that distinguished Admiral. I feel that the loss sustained by the country by his death at this moment is very great, because, as the noble Lord has said, whether on the quarter deck or at the Council Board, his safe advice and his sound judgment were most valuable, and I believe that it will be extremely difficult to supply his place at that Board.

SIR GEORGE SEYMOUR: Having long known the late Sir Richard Dundas, and having served with him on the last occasion on which he was at sea, I wish to echo all that has been said with reference to the loss of that gallant Officer. I served with him as his second in command in the Baltic, and have known him in every rank, the duties of all of which he so admirably discharged; and I am deeply sensible of the loss which the navy as well as the country has sustained by his death. His judgment was based upon great experience, and he exercised it with great advantage to the country and to the naval service. I can well understand how highly he was esteemed, and how thoroughly his merits were recognized by those who were connected with him in office.

ADMIRAL WALCOTT: I must ask the indulgence of the House while I, likewise, express my deep regret at the death of that valuable officer Sir Richard Dundas. He was perfectly well known to me, and an officer of greater merit, of more determined courage, or more resolute to do well in the service of the country could not be found in the navy,

SUPPLY—NAVY ESTIMATES.

House in Committee;

Mr. Massey in the Chair.

(In the Committee.)

Motion made, and Question proposed,

"That a sum, not exceeding £3,489,477, be granted to Her Majesty to defray the Charge of Naval Stores for the Building, Repair, and Outfit of the Fleet, Steam Machinery, and Ships built by Contract, which will come in course of payment during the year ending on the 31st day of March, 1862."

Mr. LINDSAY said, that they could only hope to draw attention to the Estimates by singling out items and dwelling on their details; and, therefore, he wished to say a few words on this Vote. For many years the Admiralty confined the manufacture of steam-engines for the navy to two firms. After knocking at the door of the Admiralty Session after Session, they were at length convinced that there were many other firms which could supply equally good engines, and it was then found that engines for which they had hitherto paid £70 to £80 per horse power could be built for £55 per horse power. But, even now, tenders might with advantage be received from a larger number of manufacturers. With regard to anchors one firm had held the contract for twenty years. For a certain number of anchors the Admiralty paid that firm £3,434, and these same anchors could be had from equally eminent firms for £1,428. In other words, they were paying nearly three times the market price for anchors. It might be said that the prices were subject to revision; but somehow, notwithstanding the invention of the steam hammer and other improvements, the prices seemed to be increasing. The noble Lord the Secretary of the Admiralty might wonder what was the reason of his hammering, year after year, upon this subject, and would, perhaps, think he had some interest in the matter. His personal feeling, if any, in the matter, was, however, in favour of the particular firm that had the monopoly of the anchors. He wished to know why the particular firm of Brown, Lennox, and Co., retained that monopoly—why the supply of anchors had not been thrown open to competition, and why other eminent manufacturers had not the opportunity of tendering? He had given notice that the Vote of £500,000 for the purchase of steam machinery for Her Majesty's ships should be reduced by £100,000; but before dividing the Committee on that proposal he wished to know from his noble Friend for what ships this steam machinery was required?

Mr. CONINGHAM said, he could not understand why the supply of anchors should not be offered to competition. It was only necessary that the contractors should be under proper control. There was no difficulty about that. The contractors for the fortifications of Paris had been ruined because they had to complete their contracts under the superintendence of Government engineers. The great thing was to take care that contracts were not made with those who were incapable of executing them. He rose, however, more particularly to object to the system of iron-ship building. He should certainly, at the proper time, take the sense of the Committee on the Vote of £55,000 for steam machinery for iron-built ships, to see whether a wholesale system of manufacture was to be sanctioned by them or not.

The CHAIRMAN said, that if the Motion to reduce the Vote of £685,000 for steam engines by £100,000 were put, the hon. Member for Brighton could not move the reduction of the minor item.

Mr. LINDSAY said, he should await the explanation of the noble Lord the Secretary for the Admiralty before he troubled the Committee to divide.

Sir JAMES ELPHINSTONE said, there was no item in the Navy Estimates on the expense of which he would place less stress than for anchors. But the Admiralty were sticking to the old heavy anchors, when the necessity for heavy anchors had gone by. For ships of 300 or 400 feet long, with such fine lines as they were now building, they required light anchors. Rogers's and Trotman's anchors were very much lighter than the Admiralty anchors. It was objected to those anchors that they did not bite; but having inquired into the subject he found their great defect was that they bit too sharp, so as to produce what was technically called "snubbing," when the ship being brought up too sharp, the cable broke, but not the anchor. He would give his support to the first part of the proposition of the hon. Member for Sunderland (Mr. Lindsay), but not to the second; for though eventually we should be obliged to substitute iron for wooden ships, the time for doing so had not yet come; and as, in case of war, we should look for a combination of the whole world against us, we should be prepared to put steam-engines in the ships now laid down. The subject of the reconstruction of the navy demanded at least as much consideration as was vouchsafed by the House to the establishment of country post-offices, or the expenditure of a sum of money on Kensington Museum. But what was now proposed was to alter the character of the navy in a wholesale way, under the direction of the Surveyor of the Navy and his assistants. He believed the country ought to have better advice than was to be found in the Surveyor's-office, and that the men most capable of dealing with the question and who had turned their attention to it in a practical manner, ought to be assembled immediately, and invited to give their opinion on this all-important question. The adaptation of the steam-engine to the sailing ship was merely a change of the motive power, and did not trench to any great extent on the qualities of the ship; but in iron vessels the primary principles of construction were unknown. The point had yet to be ascertained, at which specific gravity overcame flotation. A wooden ship would stagger and recover herself; but if the *Warrior* were sent to sea in a gale of wind, and she was pooped with one wave and caught on the lee bow with another, it was impossible to tell how she would act. In one point that vessel was singularly malconstructed, for she was wall-sided, and thereby exposed to danger from boarding, which he was informed by competent authorities would be only way of taking these iron-plated frigates.

LORD CLARENCE PAGET said, he quite concurred in the belief that, regard being had to the immense cost of these new frigates, it was almost impossible that the subject could be too fully considered. Very anxious attention, he knew, had been given to it by the noble Duke at the head of the Admiralty, and he had availed himself of the opinions of a very valuable committee, consisting of Sir John Hay, Dr. Percy, Mr. Fairbairn and other officers who had been for some time engaged in experiments with regard to the various qualities of iron, and had extended their investigations into still larger questions. A great deal of attention had lately been paid by foreign nations to the subject of iron-cased ships, and all the maritime nations to a greater or less extent were commencing the construction of this class of vessels. Her Majesty's Government, therefore, thought it necessary to increase our force in this respect. We had seven vessels of this description. The *Warrior, Black Prince*, and the *Achilles* belonged to the first class, measuring somewhat about 6,000 tons. The two former were now nearly ready. The *Achilles* was about to be laid down at Chatham. [SIR JOHN PAKINGTON: But not actually laid down.] She would shortly be laid down, but a great deal of her material was ready, and when commenced it was hoped that she would progress satisfactorily. There were two others of the second-class, the *Resistance* and *Defence*, measuring between 3,000 and 4,000 tons, and the remaining two vessels were of about 4,000 tons. These seven ships were now under construction, and in addition to them Her Majesty's Government had thought it wise that we should undertake the construction of five more iron-cased ships. It was a question whether they ought to be of iron or wood; but it so happened that they had the timbers of five line-of-battle ships of the latest and best 90-gun class, and it was accordingly determined that the whole of these vessels should be put up, lengthened about 20 feet, and cased entirely with iron plates. Midships they would be of the full thickness of 4½ inches, but at the two ends, with a view to their sea-going qualities, they would be somewhat less solid. It was intended that these vessels should each carry fifty guns, and the engines which it was intended to place in them would give them a high speed. He was not prepared to say that at a future time the Government might not be prepared to go on building iron-cased ships, indeed, he believed, they would be called on to do so, but what he had now stated was all that had been decided on up to the present time. The hon. Member for Sunderland (Mr. Lindsay) declared that his course with regard to the vote would be affected by the reply given to him with regard to the engines now in course of construction. Sixty-four engines were now being constructed for the Admiralty, but of these only one was for a line-of-battle ship, far advanced towards completion; and four were for other vessels in process of conversion, which he hoped would be out of dock during the present summer. The rest of the engines were intended for vessels of a smaller size. In reference to the anchor question, on which they had an annually renewed discussion, he could only say that if his hon. Friend the Member for Sunderland would give the name of any firm prepared to supply anchors such as the Admiralty could approve on terms greatly beneath those at present paid to contractors, the application should receive the fullest consideration from the Board. [Mr. LINDSAY: Why not advertise.] It was true they might advertise; but would the Government be justified in allowing strange parties to tender for the manufacture of first-class anchors any more than they would for first-class engines? The practice of the Admiralty was to allow firms who had submitted to have their yards inspected with the view of ascertaining whether they had the requisite plant, to tender for the manufacture of engines of the lowest class, then if they built engines which gave satisfaction for those of a more powerful description, and so on to the highest and best class of engines. He had received offers from one or two firms saying it was not worth their while to make the lowest class of chains, though they were quite prepared to tender for the best description. But it was a very grave question whether the Admiralty would be justified in departing from the rule they had hitherto acted upon. All he could say was that their case would meet with due consideration at the Admiralty. He hoped the hon. Member for Brighton (Mr. Coningham) would not persist in his threatened opposition to the Vote for steam machinery for the iron-cased vessels building at Chatham. The experiments going on at Chatham might or might not be successful. He was not prepared to say that the Government would build either better or cheaper vessels at Chatham, but when we were embarking largely in the construction of iron-cased ships it was right that we should have at least one dockyard where we could repair them. Private builders knew that repairing old vessels was more remunerative work than constructing new ones, and the Government, in order to protect the public, wished to have a dockyard where they could repair iron-cased vessels when they had got them.

SIR JOHN PAKINGTON said, he had heard with considerable disappointment what had just fallen from his noble Friend with regard to the intentions of the Government as to the increase of the iron-cased ships of the navy. He wished he had been fuller in explaining what he proposed to do. He did not clearly understand what was to be the character of the five ships when completed, nor what was their condition now. His noble Friend had spoken of them as line-of-battle ships; but he (Sir John Pakington) apprehended from what he had heard elsewhere that they were to be cut down to ships of one deck.

LORD CLARENCE PAGET: They are not to be cut down, because they are not yet built up.

SIR JOHN PAKINGTON: One of the questions which he was about to ask was, what condition those ships were in, or what progress had been made with them? The noble Lord had not told the Committee how far they were advanced, or what was to be their character when completed. He understood now that they were laid down as two-deckers — line-of-battle ships. ["No, no!"] Then his noble Friend had better explain, for he certainly could not understand what was meant.

LORD CLARENCE PAGET explained that the frames of three of them were not yet laid down, but they would soon be so. The intention was to build them on the model of the *Bulwark*, which was the latest model of a 90-gun ship. Of the remaining two the frames were already laid down. At little or no expense the whole of them would be lengthened by 20 feet as compared with the *Bulwark*, and they would be built as iron-cased frigates carrying 50 guns.

SIR JOHN PAKINGTON said, the fact was that these ships would be built *de novo*, and would be all single deck ships. The important point at which they arrived was that it was the intention of the Government to add five iron-covered ships to the force in progress. Therefore, the iron-covered ships proposed to be given by the Admiralty, and already in progress, would be twelve. Now, after the information with which they had lately been furnished, he wished that the Admiralty had stated that they intended going further. He found that he had understated the case on Friday evening. He had omitted to mention one iron frigate called the *Invincible*, which had been launched at Toulon early in the last month. He had stated on Friday that Admiral Elliot had not visited Toulon; he was not aware, therefore, of more than *La Gloire*, *La Savoie*, and *La Provence*. The present strength of the French navy in these ships, either built or building, was fourteen frigates, two line-of-battle ships, four batteries, and five armour-covered gunboats. Our Admiralty thought that it was a sufficient answer in these circumstances to say that they would shortly have twelve vessels in progress. That was not satisfactory. It was not meeting the preparations of France to the extent they ought to meet them, especially considering the formidable character of the French iron-cased vessels, and considering the large number of other ships belonging to the French Navy. He also regretted that the noble Lord had not given a clearer and more satisfactory answer to the hon. Member for Portsmouth with respect to the appointment of a competent Committee, not only to test the quality of the iron, but to ascertain, if possible, the best mode of constructing iron-cased ships.

Mr. FINLAY said, he concurred with the right hon. Baronet in thinking the statement of the noble Lord hardly satisfactory. He did not see why the Admiralty might not act with more energy without putting the country to additional expense. We were told that our wooden fleet was of little use for coast defence. We had several large wooden three deckers; and he wished to know why some of the hands now engaged on wooden ships could not be set to work to cut off the upper deck of these three deckers in order to cover the lower decks with iron plates. Altered in that manner, those ships would defend our ports and coasts, although they might not be fit for long voyages. In company with officers of experience he had visited some of the iron-plated ships which we had in course of construction, and he was sorry to say that the opinion of those gentlemen was not very favourable. They considered that the *Warrior*, although a splendid model of a vessel, would not under certain circumstances be able to meet at close quarters a vessel like *La Gloire*. The latter had 34 guns under casemated batteries, while the former had only 26, and was perfectly exposed, fore and aft. She was too long for the defence of coasts, and would not be handy in such a service. He, therefore, hoped that the Admiralty would not depend on vessels of the *Warrior* class for our coast defences.

Mr. BENTINCK said, his noble Friend had talked of the observations of the hon. Member for Sunderland and the hon. Member for Portsmouth with respect to anchors as the "annually renewed discussion." It was true that the discussion was renewed annually, and he did not wonder at it, because after each renewal they appeared to leave off pretty nearly where they had begun. His noble Friend had told them that the Admiralty did not wish to shut up the contracts for anchors, and that those who tendered for anchors would be treated in the same way as those who tendered for engines; but if he (Mr. Bentinck) understood the matter rightly, those who tendered for anchors were not in the same position as those who tendered for engines, because the practice had been virtually to exclude all tenders, and leave the manufacture of anchors solely in the hands of one person. He had no iterest, like his hon. Friend opposite, in Trotman's anchors; but the case was simply this:—Some years ago Trotman's anchors were subjected with others to trial before a committee of scientific men, who pronounced Trotman's the best, and the Admiralty anchors the worst. The Admiralty might choose not to accept that as an authority, but the fact remained unanswered,—that Trotman tendered to construct anchors subject to the Admiralty test at a much cheaper rate than the contract now existing for Admiralty anchors, and that up to this time he had not been allowed to make the experiment. He (Mr. Bentinck) considerd, therefore, that the tender for anchors was virtually closed to the public. His hon. Friend the Member for Portsmouth, with reference to the iron ships, complained of the system generally. He (Mr. Bentinck) was inclined to think that there was a great deal in the present system that was objectionable, but his hon. Friend seemed to forget that they both had had the advantage of sitting twice a week on a Committee for the purpose of investigating the merits or the demerits of the present Board of Admiralty; and his hon. Friend would agree with him that a more hopeless task could not have been undertaken. He believed that the labours of that Committee would be perfectly ineffectual, and he could only repeat what he had said from the first—that he looked upon the whole thing as a broad farce. His hon. friend ought to remember when he was making those complaints that he was complaining in vain. Until they could arrive at some investigation which should bring the constitution of the Board of Admiralty before that House all complaints would be useless. He would suggest to his hon. Friend to give up the inquiry that was at present going on, and endeavour to institute one that was likely to lead to practical results. He hoped, however, that the Committee would not agree to either the reduction proposed by the hon. Member for Sunderland, or the one proposed by the hon. Member for Brighton, because it was quite clear that so long as the Board of Admiralty was constituted as at present, they must put faith in that Board. Under the present circumstances of the country and of Europe, any attempt to cripple them would be impolitic. He agreed with the right hon. Baronet the Member for Droitwich, that the exertions of the Admiralty with regard to the iron-cased ships, were not equal to the occasion. They ought to make greater exertions to put themselves on an equality with their Galic neighbours. They must all know perfectly well that there could be no object on the part of France in going to the enormous expense of ship-building, particularly of this new class of vessels, except that of obtaining and of maintaining a maritime superiority over this country. On the other hand, no man could believe, either in France or England, that there ever was or ever would be, an attempt on the part of this country to invade France. That was absurd on the face of it, because the number of troops we had were not sufficient for the defence of the country. It was only about one-fifth of the number in France. They were bound to consider that the only possible object of France in going to her present enormous expense in the construction of the new class of vessels, was to obtain a maratime superiority over this country, and the Committee ought to bear in mind that if the maritime superiority of this country was lost, the commerce of the country would be lost also; and if that power should be obtained by France, it would only be used for the purpose of invasion of this country.

Mr. DALGLISH said, that an attempt had been made by the right hon. Member for Droitwich to startle the country, but that attempt had failed. He hoped the noble Lord the Secretary for the Admiralty would avoid going on too rapidly in the building of iron-cased ships. Let the Admiralty first fairly try one of the ships and let the Committee now sitting consider the subject before more ships of that kind were built. If they proceeded deliberately in that way they might hope one day to have an efficient navy, but that object would never be accomplished by rashly building a new class of vessels for the success of which they had no security.

Sir FREDERIC SMITH said, there was no doubt that the French iron-cased vessels would be more numerous than ours, but before we plunged into a vast expenditure for the erection of that class of vessels, we should have the best grounds for believing that they were necessary. He suggested that they should case with iron some of the wooden vessels that were in a forward state. At all events, it would be unwise to build more iron-cased ships till a fair experiment was made of their value.

Lord CLARENCE PAGET said, he wished to correct an impression that seemed to exist that the Admiralty never consulted anybody but the Comptroller of the Navy in the construction of ships. They had consulted several of the most eminent shipbuilders, including Mr. Laird, of Liverpool, and Mr. Napier, of Glasgow, as to the construction of these ships. It must be remembered that they had had no experience to guide them, that they were groping to a certain extent in the dark, and that it was impossible to arrive at any certain result as to the value of this class of vessels till experiments had been tried. The hon. Member for Norfolk (Mr. Bentinck) found fault with the composition of the Committee now sitting on the subject of the Admiralty. It was an unfortunate circumstance that his hon. Friend did not regularly attend the meetings of the Committee, but he had no doubt that it would be able to arrive at important results. With regard to Mr. Trotman's anchors, all he would say was that he was not aware Mr. Trotman had offered to make anchors cheaper than the Admiralty now made them; but if he would make such an offer, he would take care to lay it before Board of the Admiralty.

Mr. CONINGHAM said, that if the noble Lord meant to say that the contracts would be thrown open, that would meet all the objections that had been raised, and must be satisfactory to Mr. Trotman and his friends. He should not press his Amendment, hoping that his hon. Friend the Member for Sunderland would take the sense of the Committee on the essential question.

Mr. E. BALL remarked, that he had always understood that when various anchors were tested, the reward of merit was given to Trotman's, as being that which exhibited the greatest amount of tenacity. Yet he had since been treated with the greatest discourtesy. He had been much impressed by the statement they had heard last Friday from the right hon. Gentleman on that great national subject. This country possessed great wealth, much exposed, and extensive colonies, and we must maintain our naval supremacy. They had heard on very high authority that the French were in advance of us in respect to their iron-clad ships, and it became the imperative duty of any Administration to be on the alert, and to see that we were placed in a position to command and maintain that naval supremacy which was essential to our national independence. He thought the best way of proceeding was to go on building iron-clad ships on the best possible mode of construction, making them fully equal to compete with the ships of France. He could not help thinking that we were in a very perilous position, for he found it impossible to believe that France would make so great an effort to strengthen her navy as she was making had she not some ulterior object in view. If, under these circumstances, £1,250,000 of revenue by means of which we could build five ships of war of the best class every year had not been recklessly thrown away by abandoning the paper duty, what a benefit would have been conferred upon the country.

VISCOUNT PALMERSTON: The subject which was started by the right hon. Baronet opposite (Sir John Pakington) is one of infinitely greater importance than the relative merits of different anchors, or the best mode of fitting steamships with boilers. It is, moreover, I can assure the Committee, a subject which has not escaped the notice of the Government, and which still intensely occupies their attention. It is, in short, a subject of vital moment, because—as everybody must see at a glance—if any other Power were to acquire a superiority to us at sea, the most vital interests of the country would be imperilled. The question, therefore, which presents itself to our consideration is—seeing that other nations, and especially our nearest neighbours, are making efforts to commence a career of very extensive construction of iron-clad vessels—what we can do to meet the corresponding demands of the country. The right hon. Baronet opposite stated the other day very accurately the number of iron-clad ships-of-war which the French Government had either already built or ordered to be constructed, the total number, as far as we are informed, amounting to fifteen. [Sir JOHN PAKINGTON: Sixteen.] The right hon. Baronet thinks there is another; and of the fifteen I have mentioned, the greater proportion have only recently been ordered to be laid down, so that it will be a very considerable time before the whole of these vessels are launched and ready for sea. We, upon the other hand, have at the present moment, either built or building, seven of these vessels, as was stated by my noble Friend the Secretary to the Admiralty, and the Government have considered which would be the best and readiest method for providing a large and valuable addition to our iron-clad ships. The most effectual and expeditious method, we thought, would be that which my noble Friend has stated —namely, to take advantage of the preparations which have been made for the construction of a certain number of wooden line-of-battle ships, to put five of these up and fit them to be clad with iron. By adopting this plan it is quite obvious we shall be saving time, because the materials are, in a certain degree, ready to our hand, and these five ships will, as a consequence, be fit for sea sooner than five iron ships now laid down for the first time. The French ships, I may add, are chiefly built of wood and cased with iron—[An Hon. MEMBER: All but two]—and the five vessels of which I am speaking will, therefore, be of exactly the same description as those which the French are building, while, armed as they are to be with guns of the heaviest calibre, they will be found very formidable, and, we trust, owing to the arrangements which have been made, good sea-going vessels as well as batteries. These five ships being added to the seven which I have already mentioned will give us twelve as against fifteen French vessels. France has, in addition, a certain number of floating batteries; but so have we, so that we may set those vessels one against the other. I wish the House clearly to understand that, although I have stated the measures which are now at once prepared to undertake, we do not consider ourselves precluded, by the adoption of those measures, from taking any others which we may deem expedient with the view of constructing ships of iron of a larger and more formidable description. It is evident, however, from what has passed in this discussion, that it would be unwise to launch at once into ordering a great number of iron ships of a new description until the Government has arrived at a clear and definite understanding as to what is the best manner and the best form for their construction. The building of such vessels would, of course, involve a large expenditure, and although that expenditure would be far from being thrown away in providing for the security of the country, yet it is expedient to ascertain beforehand, as far as possible, how the money may be laid out in the best way to accomplish the object which we all have in view. Ships of this description must be built by contract, and before the Government undertake to give a large order for them they think it prudent to place themselves, by communications and experiments, in a better condition to know what are the best and most useful ships of the kind. The steps which we have taken will put us in possession of five iron-clad vessels of the best sort, armed with the heaviest guns; and my opinion is that those five will be ready sooner than any five of those which the French Government is beginning to lay down. We have the materials already provided, which it is to be supposed they have not, and we shall, I feel confident, find ourselves on a par with the preparations they have made.

Sir MORTON PETO said, he was sure that no Member of the House would refuse to sustain the honour and to promote the security of the Government. But underlying all these discussions there was one fatal feeling—a want of confidence in the administrative power of the Admiralty. They could not commence these operations without great preparation. With all deference to the hon. Member opposite (Sir Frederic Smith), he was surprised to find that Chatham Yard had been selected for the building of the first iron ship. The Government were compelled to come to the House for smithies, and a Vote of £180,000 had to be taken for iron and appliances for that purpose, and a staff must be organized as wooden ships only had been constructed there. Why was not Keyham selected? It was said that the docks at Keyham were not large enough. If so, they ought to be enlarged, if Keyham was to retain its position as the great steam-building factory of the kingdom. With respect to the construction of these other five vessels to be clothed with iron, he should like to know in what yards the Secretary of the Admiralty meant to build them, because it was desirable to avoid creating large establishments in connection with these matters. What was really wanted was that the money granted should be applied in the best way. At present these vessels could not be built in the Royal dockyards without an enormous increase of establishment; and it was, therefore, the duty of the Committee to consider whether the better course to pursue was to build them by contract or in Her Majesty's yards. Let the House have the opportunity of calmly considering this matter, without rushing headlong into the expenditure. He deprecated the discussions which so often took place in reference to France, for he knew the feeling they excited in France, and he must say that the present French Government were doing nothing but what this country ought to have been doing long since. In 1858 they profited by the experiment that was made, and with great practical skill went on producing an iron navy instead of a wooden one. This country had enough wooden vessels to meet all the world, although those to whom she was likely to be opposed were building nothing but iron ships. They were desirous of strengthening the Government by adopting the most practical mode of obtaining the end they had in view. The noble Lord had had a great experience in official life, but he had not had much experience of commercial life. He (Sir Morton Peto) remembered the instance of a man connected with one of the staple manufactures of the country, who made a large fortune, and left it to be maintained by his sons after him. Relying upon the reputation of his name, the business was continued, but the sons failed from want of practical superintendence and skill, allowing others to supersede them by improvements in fresh applications of machinery, while they relied on the machinery by which their father had achieved his success. That was just the position the Government were in at present. They went on perpetuating their expenditure in the old direction, because they were not subject to any commercial check, or influenced by anything like a commercial feeling; but now, for the first time, there was a ruler in an adjoining country who took a different course. Nothing in France was spent that could be saved, for every shilling was there applied with the best scientific skill to obtain the required result, and £5,000,000 or £6,000,000 was made to go further than £12,000,000 in this country. They must, therefore, take care that this nation did not go to decay in consequence of the want of sufficient energy to remodel the establishments, and place them in that state of efficiency which circumstances demanded.

Sir HENRY WILLOUGHBY said, that no doubt there had been an enormous change in the construction of the navy of the whole world. They had spent a large sum on wooden ships, and now they found that they were compelled to build ships in some way connected with iron. The real question, then, was, how they could best build those iron ships — whether in Government dockyards or by private contract. He had no doubt that in this case, as in many others, the truth lay in the middle; and that while the private establishments in the country might well be called in to aid, yet the Government of the country should have the means of exercising a certain control. But he wanted to know whether the Government were prepared to state to the nation the cost of the *Achilles?* Unless a good system of accounts were established, which would explain the entire cost of every one of these ships, he should hesitate before placing in the hands of the Government these millions of money. He was quite content that the Government should build a first-rate iron ship at Chatham; but upon the condition that they should be bound to explain to the House what they did with the money voted for it. At present the accounts were so kept that the cost of a ship built in the dockyards could not be got at.

Lord CLARENCE PAGET said, that the hon. Member for Finsbury (Sir Morton Peto) was mistaken in supposing that these five new iron ships would cause an increase in the dockyard establishments. The wooden frames would be constructed by the ordinary artificers. The only extra sum required would be for the iron plates, which would be bought by contract. In answer to the hon. Baronet (Sir Henry Willoughby) he had to say that the Admiralty had directed stringent measures to be taken for ascertaining every element of cost in constructing the *Achilles*, with a view to a future comparison with vessels built by private contract.

Sir JAMES ELPHINSTONE said, he would remind the Government that unless they constructed those ships on proper principles they would be worse than useless and it behoved them, while those ships were being constructed, to have a committee of scientific men to consider such questions as to the form and rigging of the new vessels. The inquiry might be carried on simultaneously with the building of those ships. The country had ample resources, and if they gave the French six months' start they could easily overtake them. He was convinced that if such a report was made it would enable them not only to avoid in future all recrimination, but would form a groundwork for the reconstruction of the whole navy.

Mr. BENTINCK said, that he had taken particular care to be present at the Admiralty Committee when his noble Friend was examining the witnesses in the hope that he would elicit some information; but he had so signally failed in doing so that he (Mr. Bentinck) felt himself bound to express the opinion that the labours of that Committee would end in nothing.

Mr. LINDSAY said, it appeared to him from the statements which had been made, that a very alarming state of things was going on, for it was said that in France those formidable ships were springing up like mushrooms, and that in no country in the world could they build ships so fast as in France. Now, he had no hesitation in saying that in an emergency we could turn out six ships for every ship built by France in the same time; but where was this expenditure to end? If they were to build 100 ships, and France were to build 100, their relative position would not be altered. No doubt when the French heard of the debates in that House on Friday and that night, they would build ten iron ships more, and then the noble Lord would come down and ask for the means to build fifteen. He always maintained that they should be the first maratime power of the world. But he believed the necessity of that expenditure might be avoided by coming to an understanding with France. After the explanation of the noble Lord he would not divide the Committee on the whole Vote, but he should move that it be reduced by £200,000, which comprised £140,000 for two troop ships, and £60,000 for machinery. They had six troop ships at present. Four of them had been in China for the last three years, and two remained at home. He believed that six troop ships were ample, and he did not think they ought to spend more money for that purpose. They could hire ships for the purpose of conveying troops cheaper than they could build them, and that was the opinion of Sir Alexander Milne, who was a competent authority on such a subject.

Lord CLARENCE PAGET said, he hoped the Committee would not agree to this Amendment. No doubt the ships which were hired for the conveyance of troops were sometimes cheaper, but the question was not whether contract-ships were not cheaper in the long run than Government transports. The Government had to find a large amount of tonnage for the conveyance of troops suddenly at all times, particularly between the Mediterranean and the home ports; and if they were without transports of their own they would have no control whatever over the freights. What they asked was simply that the Committee should keep up the transport establishment to what it was until recently. Two had been lately lost, and the *Himalaya* and the *Adventure*, as well as another ship, required very extensive repairs. He might add, that if the Governments had no transports at all they would have no check at all on the price of the freight. It was always necessary to fit up troop ships with expensive fittings, and to employ merchant ships for short voyages would positively cost a larger sum than the Government troop ships.

Mr. HENLEY said, he thought the Government did quite right in keeping a considerable number of transports in their own hands; but after what they had heard that night about the exertions necessary to get iron-plated ships, and of the chance that wooden vessels would be useless for war puposes, he was of opinion that they might take some of the frigates now lying in ordinary and employ them in conveying troops, applying that £200,000 towards providing another iron-plated ship.

Admiral DUNCOMBE said, he must complain that the hon. Gentleman opposite should have alluded to the evidence given before the Admiralty Committee while it was still sitting. It would have been better to have waited to see the effect of the whole of it before he expressed an opinion. Economy was, doubtless, a very good thing, but it was not the first consideration when the safety, interests, or honour of the country was concerned; and he certainly did not think that there was any economy in employing our men of war in conveying troops to stations only a short distance off. They ought always to have eight or ten troop ships in the hands of the Government.

Mr. J. C. EWART said, he would support the Amendment, because he believed, in the present state of the mercantile marine, the Government could never be at a loss for trasport ships.

Sir FREDERIC SMITH said, that no doubt they could always get plenty of merchant ships to convey troops on long voyages at a cheaper rate than the Government could, but taking the long and short voyages together, they did nothing of the kind.

Mr. CAIRD said, he thought the noble Lord ought not to have asked for any Vote of this kind until the Committee had reported on the subject.

Lord CLARENCE PAGET said, that the new frigates were an eminently useful class of vessels, which it would be a waste to turn into transports; and the old frigates were all sailing vessels.

Mr. HENLEY said, there were plenty of steam-vessels in reserve, unfit for fighting purposes, which it would be as well to wear out in that way, while they were building the iron-cased ships.

Motion made, and Question put,

"That the item of £60,000, for the purchase of Steam Machinery for two Troop Ships, be omitted from the proposed Vote."

The Committee *divided*:—Ayes 68; Noes 85: Majority 17.

Original Question put, and *agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £469,835, be granted to Her Majesty to defray the Charge of New Works, Improvements, and Repairs in the Naval Establishments, which will come in course of payment during the year ending on the 31st day of March, 1862."

Mr. CONINGHAM said, the Vote contained items relating to Chatham which ought to be matter of further inquiry. He thought the whole matter ought to be submitted to a Committee.

Sir JAMES ELPHINSTONE said, he would move that the Committe report Progress.

Lord CLARENCE PAGET said, he hoped the hon. Baronet would allow him first to state the object of the Vote. At present Great Britain had only 528 acres of dockyard accommodation, and 37 acres of basin accommodation, against 678 acres of dockyard and 188 acres of basin accommodation possessed by France. If the House of Commons decided to enlarge the dockyard and basin accommodation to the extent required by the wants of our fleets, it was considered by competent authorities that no better site could be found than that selected at Chatham. He would not for a moment conceal from the Committee that if they agreed to the Vote they would agree to the commencement of a great work, involving an expenditure of £902,000. The Government would offer no objection to the appointment of a Committee to inquire into the merits of the scheme.

Sir FREDERIC SMITH said, he hoped that all the plans would be laid before the Committee.

Sir JOHN PAKINGTON observed, that the question was especially a question for the Executive Government to decide.

MR. WHITBREAD said, the Committee which sat in 1848 complained that the Keyham works had been commenced without the House of Commons having an opportunity of expressing any opinion upon them.

LORD LOVAINE said he, for one, objected to the appointment of a Committee.

VISCOUNT PALMERSTON said, he should not resist the Motion to report Progress.

Motion made, and Question,—"That the Chairman do report Progress, and ask leave to sit again,"—put, and *agreed to.*

House *resumed.*

Resolutions to be reported *this day.*

Committee to sit again on *Wednesday.*

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, June 4, 1861.

MINUTES.] PUBLIC BILLS.—2ª Consolidated Fund (£10,000,000).
3ª Marriage Law Amendment.

THE GALWAY CONTRACT—THE REV. MR. DALY.—EXPLANATION.

THE MARQUESS OF CLANRICARDE: My Lords, I trust your Lordships will permit me to trouble the House for a short time while I make a statement on a personal matter, in reference to what passed in the House last night. I have been favoured this morning with a visit from the rev. gentleman whose name was mentioned in the discussion of last night—I mean the Rev. Mr. Daly; and I wish to explain that, with reference to that rev. gentleman I had fallen into a mistake which I wish for an opportunity of correcting. I stated last night that Mr. Daly called on me before he had the interview with Lord Palmerston. I was in error. He called on me on Monday, having seen Lord Palmerston on the previous Friday; and he had a memorial in his hand from Galway, which he said he wished to present to Lord Palmerston, and he wished me to accompany him to present it. I declined to do so: and Mr. Daly proceeded to call on Lord Palmerston; but he did not on that occasion see his Lordship; but he left his memorial. Not having seen Mr. Daly subsequently, I supposed that that was the interview which has been so frequently referred to. In that I was in error. The interview took place on the Friday before the discussion in the Budget, and at that time I was in Ireland. I the more naturally fell into the mistake, because it so happened that the two Gentlemen, Members of the House of Commons, whom I am in the habit of consulting on Irish affairs, and especially on the affairs of the county with which I am connected, are my two relations, one Member for the town and the other for the county of Galway, and neither of those Gentlemen had any communication of any kind whatever from Mr. Daly previously to the interview with Lord Palmerston. One arrived in England on Friday morning, the other on Friday night; and I mention this to show how very improbable is the whole story that Mr. Daly was, or represented himself to be authorized by any Members of Parliament to speak in their names to the Prime Minister. Mr. Daly came to me this morning principally for the purpose of saying that he was most anxious to have the opportunity which my noble and learned Friend opposite (Lord Brougham) wished he should have of appearing at the bar of either or both Houses of Parliament, to state exactly what did take place, and to clear himself from the imputation which had been made against him. I thought it right, wishing to be very particular in the matter, to take down in writing what Mr. Daly stated was the purport of the interview with Lord Palmerston; and, instead of speaking from my own recollection, with your Lordships' permission I will read the memorandum which I made. Mr. Daly said —"He appears to have been misunderstood and that he certainly has been entirely misrepresented if Lord John Russell at any time stated"——

EARL GRANVILLE: I rise for the purpose of putting it to the discretion of the noble Marquess whether he is quite in order in entering into these details. It was quite competent to the noble Marquess to explain any error into which he had himself fallen in referring to his interview with Mr. Daly; but it seems to me that there would be great inconvenience in introducing on this occasion matter respecting the interview between Mr. Daly and Lord Palmerston, and concerning the conduct of the Irish Members; seeing that in this House, where the question would be raised, neither Lord Palmerston nor the Irish Members could be present. I merely throw this out for the consideration of the noble Marquess.

THE MARQUESS OF CLANRICARDE: No doubt. But I have not said one word which was out of order or which referred either to this or to the other House of Parliament. It was Lord John Russell who named the Prime Minister; it was Lord John Russell who said that a person had waited on Viscount Palmerston, "seeming to be authorised." I do not know why Lord John Russell said this. I suppose he had some grounds which satisfied himself, though I do not think he could have had any. He said he "seemed to have been authorized" to make certain statements affecting the honour of certain Gentlemen. It is incidental to those Gentlemen that they are Members of Parliament. It was my noble and learned Friend opposite (Lord Brougham) who mentioned the matter in this House as one deserving of full investigation, and who expressed a wish that Mr. Daly should be afforded the opportunity of appearing at the Bar —I think of either House of Parliament —and being asked whether any person, Member of Parliament or otherwise, had authorised him to hold out any threat or to offer any corrupt promise to the Prime Minister. Such suggestion having been made by my noble and learned Friend, I am in the recollection of the House whether it is not usual for a person so mentioned in this House to have a fair opportunity given him for making a statement? Mr. Daly says—

> "That he appears to have been quite misunderstood; and that he was entirely misrepresented by Lord John Russell if Lord John stated that he (Mr. Daly) had told or intimated to Viscount Palmerston that he was authorized to speak on behalf of any M.P.'s, or of any individuals whatever. That, in fact, the question of a deputation arose out of his having said that he had no such special authority, but was confident that he was stating truly the general sentiment of all classes in Ireland. Mr. Daly denies that he offered, or attempted any sort of bargain, traffic, or negotiation whatever. That what he said was, that the strongest possible and most universal feeling on the subject existed all over Ireland, and that he believed and he trusted that the Irish representatives shared in and would act in accordance with this feeling, and would prefer the plain interests of their country to all other considerations whatever [*a laugh*]; that in saying this he did not refer or allude to any individuals, or party, or to any section of a party. He says that the phrase of 'taking action' arose out of a question asked by Viscount Palmerston, and did not refer or apply to any special vote whatever, but to the attitude which he expected and hoped that the Irish people and their representatives would assume and permanently maintain [*a laugh*] towards the Ministry, according as Ireland was dealt with. [*Laughter.*] That he made no improper, corrupt, or unconstitutional threat or offer; that he said, and says, that he believes and hopes that the feelings of Ireland towards the Government will be mainly influenced by the justice shown to or withheld from her in this matter, which is the most pressing and important that can affect her progress and prosperity." [*Laughter.*]

Now, my noble Friends may laugh; but do they hold the interests and prosperity of the country as light matters? I want to know on what grounds but those of attending to those interests and that progress can any Government claim the confidence of the people of Ireland? I said so much as that last night myself, and the noble Lord who followed me did not show —I defy him to show—that such is not the proper and constitutional language of a free people. It is what the elector says to his representative and the Parliament to the Ministers of the Crown. The elector says, "I will not support men who act contrary to the interests of the country; I withhold my confidence from such men, and I shall give it to those who will give me justice and attention." If such language is to be called a threat, I should like to know what are the speeches of Ministers themselves when appealing to their constituents on the hustings, when such feelings are always exhibited as this gentleman very properly attributes to the people of Ireland?

LORD BROUGHAM: I am sure your Lordships will believe that nothing could be farther from my wish, or thought, or imagination, in any way than to have Father Daly at the Bar of this House on any occasion whatever. Your Lordships will also do me the justice to recollect that I was not the person who first introduced the subject of the interview of Father Daly with Lord Palmerston, for it was referred to first by the noble Lord the President of the Council, and afterwards by the noble Marquess himself, who dwelt repeatedly on it. It was in consequence of the allusion by those noble Lords, as well as its connection with the subject matter of the discussion, that I ventured to make the remark which has been attributed to me. There can be no doubt whatever that the statement of Lord Palmerston was that an offer had been made—not actually made, but given notice of being about to be made

—of an interview with his Lordship, on the part of the Government, by certain Irish Members ["Oh, no!"]—by certain Irish Members who took an interest in the Galway contract, and who desired to see his Lordship on the subject matter of the Galway contract: and when Lord Palmerston answered, "I have no objection to see them, but it must be after Monday" —"Oh, no," it was said, "then it will be too late, for they must take action on Monday night on a subject entirely different from the Galway contract—namely, on the paper duties." Their "taking action" on Monday night depended on what passed on Saturday, the day on which the interview was requested. It now turns out that "taking action on Monday night" meant "assuming a permanent attitude," and not taking action on that particular question which was coming on upon the Monday night—namely, the paper duties. Well, there is nothing one cannot believe. One has lived too long to suppose anything incredible; and, therefore, I am bound to suppose that was the meaning of the reverend Father, who, I understand, is a highly respectable man, though very zealous on this subject—as, indeed, I believe is all Ireland—and, therefore, quite incapable of making a misrepresentation. The examination of this gentleman by this House, to which reference has been made, is out of the question; but it is possible in the other House if, as I should hope, Irish Members should desire to take a course by which the whole matter might be cleared up, and themselves cleared from a suspicion which at present, more or less, hangs over them. Here, this would not be in point; there, it would be perfectly.

THE MARQUESS OF **CLANRICARDE**: Perhaps my noble and learned Friend will state where he got the statement said to have been made by Lord Palmerston, that Irish Members requested an interview? I do not remember that Lord Palmerston has made such a statement.

LORD **BROUGHAM**: I did not understand Lord Palmerston to have said that any Irish Member asked for an interview. What I understood Lord Palmerston to have said was that Father Daly asked him to give an interview to Irish Members on Saturday, because after Monday it would be too late, as they must take action on Monday night.

House adjourned at a quarter before Six o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, June 4, 1861.

MINUTES.] PUBLIC BILLS.—1° East India Loan; Sheriffs Courts (Scotland) (No. 2).

COLLEGIATE AND ENDOWED PUBLIC SCHOOLS.—QUESTION.

MR. **GRANT DUFF** said, he would beg to ask the Secretary of State for the Home Department, Whether the Government is prepared to advise Her Majesty to issue Her Royal Commission to inquire into the Colleges of Eton, Winchester, and Westminster, as well as of Harrow, Rugby, Charter House, Christ's Hospital, and all endowed, collegiate, cathedral, and prebendal Schools in Great Britain and Ireland in which the Greek and Latin languages are taught, with a view to ascertain whether the great resources of these institutions may not be rendered more serviceable to education and learning?

SIR **GEORGE LEWIS** said, he stated on a former occasion that the Government were prepared to accede to the principle of an inquiry into the collegiate and public schools. The doubt which they had was as to whether an inquiry by a Royal Commission would be sufficiently effective for obtaining the desired information. Since his hon. Friend asked the previous question, he (Sir George Lewis) had communicated with the authorities and the principal public schools, and he found that they would generally be disposed to give information to a Royal Commission; and, therefore, that there would be no necessity for doing what the Government would not willingly resort to unless there should be a necessity—namely, of asking Parliament to pass a Bill giving compulsory powers to the Commissioners for that purpose. He ought to mention that there was one school, the case of which must be regarded as under the consideration of the Government, and upon which they had not yet been able to arrive at any conclusion—he meant the Winchester School. The doubt with regard to that school arose from the fact that it had been made the subject of detailed legislation by the Oxford University Commissioners, whose powers extended to the College of Winchester, and, therefore, as the affairs of that school had been lately the subject of investigation and of regulation by competent authorities it might not be necessary to include it in the inquiry.

Mr. GRANT DUFF said, he wished to know how far the right hon. Gentleman would desire that the inquiry by the Commissioners should extend — whether he would include the principal endowed schools?

Sir GEORGE LEWIS replied, that he understood the answer formerly given was that this Commission should inquire into all endowed public schools in which the Greek and Latin languages were taught. With respect to the cathedral and prebendal schools he did not wish to give any positive answer.

VOLUNTEER EXCURSIONS.

QUESTION.

Colonel FRENCH said, he rose to ask the Under Secretary of State for War, If any application was made to allow the London Irish (28th Middlesex) Rifle Volunteer Corps to visit Dublin during this year, and refused; and, if so, to inquire the grounds for such refusal?

Mr. T. G. BARING said, that no application had been made in regard to this particular corps, and, therefore, no such refusal had been given. At the same time, it was only right to state that the Secretary of State for War was not disposed to encourage excursion trips by Volunteer corps. They put the members of corps to expense which they did not like to decline, though many of them were much inconvenienced by it. There were also other reasons which the House would understand from the fact that an English Volunteer corps lately, on an excursion trip, had come into collision with a regiment of militia, the consequences of which were not at all gratifying to those who had the control of these matters.

ECCLESIASTICAL RETURNS.

QUESTION.

Mr. CAVENDISH BENTINCK said, he wished to ask the Secretary of State for the Home Department, When the Return, ordered on the 4th day of March last, relative to the Receipts by the Ecclesiastical Commissioners for England of Revenues derived from the Estates of the Dean and Chapter and Prebends of the Cathedral Church of St. Paul, London, will be laid upon the Table?

Sir GEORGE LEWIS said, the Returns in question were very intricate, but he was in hopes they would be ready before the end of the Session.

DISCOVERY OF GOLD IN NOVA SCOTIA.

QUESTION.

Mr. CAIRD said, he wished to ask the Under Secretary of State for the Colonies, Whether he has receive dany authentic information regarding Gold discoveries in Nova Scotia?

Mr. CHICHESTER FORTESCUE said, that the Government had received accounts of gold discoveries being made on a small scale at a place called Tangier Harbour, some forty miles from Halifax. The Governor reported that he doubted whether they ever would be valuable to individual miners; but he thought them of considerable importance, and capable of being made valuable by the application of capital and machinery.

MAYNOOTH COLLEGE.—COMMITTEE MOVED FOR.

Mr. WHALLEY said, he rose to move the following Resolution:—

> "That this House will immediately resolve itself into a Committee to consider the Acts for the Endowment of the College of Maynooth, with a view to the withdrawal of any Endowment out of the Consolidated Fund, due regard being had to vested rights and interests."

At the outset he must claim the indulgence of the House while endeavouring to occupy a position which was extremely difficult and embarrassing for many reasons, and especially because he succeeded an hon. Gentleman who had very frequently brought the question forward, and who carried with him great weight and influence from his ability and personal character. Without some explanation it would appear presumptuous on his part to ask the attention of the House to a subject, which could be discussed to much greater advantage by other Members; but he might state that he had been encouraged to undertake the task by having had presented to him a memorial, signed by 7,000 leading Protestants, who might be said to be the exponents of the Protestant principle of the country. He felt, under these circumstances, he might without diffidence claim to be heard by the House while he brought before it the grounds upon which the grant to Maynooth was regarded now, more than ever, with unmitigated, uncompromising opposition by the Protestant feeling of the country. Before he had undertaken to bring the subject forward he had inquired into the state of public feeling, and he could assure the House that the subject was not brought forward as a mere annual exercitation of the question, nor as a matter of form, but with the conviction that it would be successful, and that the agitation would be actively carried on until the grant was repealed. He intended to call particular attention to those reasons for the withdrawal of the grant which had never existed in the same force as they did at the present time. The hon. Member for North Warwickshire (Mr. Spooner) had been in the habit of reading extracts from various books which constituted, as was generally supposed, the elements of the education given at the College of Maynooth. Those extracts were undoubtedly essential in order to arrive at a full comprehension of the national wrong and injury — he might say, iniquity—involved in continuing the grant to the College; but he would not inflict upon the House an irksome repetition of painful arguments. If he were to read the whole canon law of the Roman Catholic Church, and the books of Dens, Liguori, and others, they could not have any further effect than the simple enunciation of the principle which underlaid the whole system of Roman Catholic teaching—namely, that the end justified the means—the end being the promotion of the interests of the Roman Catholic Church, and the means, whatever should tend to that end. By that principle treason was directly encouraged, and not only was murder tolerated as also every other offence which men of all times had agreed to denounce, recommended and adopted as justifiable, when the end was to promote the interests of the Roman Catholic Church; but in proportion as a pupil of the College had an opportunity of committing those crimes, of violating the ordinary moral sense which governed the community at large, and thereby placing himself in antagonism to public opinion — he, in the same proportion, established a claim to respect among his fellow students, and had a prospect of those temporal and eternal rewards which the Roman Catholic Church held out to its followers. He was fully prepared to establish that position. Let them look back to history, and see whether such teachings as those he had described as now carried on at Maynooth had not been in past ages carried out in practice to the fullest extent in the degree in which the Roman Catholic power was predominant. There they found proofs of a disregard of those moral laws which common sense had dictated, and which all mankind had agreed to look upon with respect and reverence. The modern history of our own country also gave a practical exemplification of these doctrines of the Romish Church. In 1853 a Commission was appointed by the Crown for the purpose of inquiring what doctrines were taught at Maynooth; and, after two or three years, they made a Report, in which they stated that they were unable satisfactorily to discharge their duty, inasmuch as it appeared from the evidence of the professors that there were no text-books to which they could refer as the authorities by which the teaching in the college was guided. They were asked to believe that professors and students were left to form their own opinions, and, therefore, whatever astounding doctrines might be found in the works of Roman Catholic writers the ready answer would be that that part, at all events, might not be recognized in the college. Now, he put it as a distinct proposition to the House, whether any reasonable assembly ought to continue the grant to the College of Maynooth, which, in the words of the Act of Parliament, was for the "better education of Roman Catholics," not "Roman Catholic priests," unless they had an opportunity of ascertaining clearly and beyond any doubt whatever, what was the course of teaching adopted? It was a palpable insult to the understanding of the Commissioners for the Professors to say that they had no text-books and no books of authority, and that fact of itself was a sufficient ground for withdrawing the grant. But while he did not press these details on the House at that moment, he reserved to himself the right at a fitting opportunity of investigating the course of teaching at the fullest length and in the completest manner. There were certain departments of that teaching which not even the Commissioners could give to the public, so revolting were they to the sense of decency and morality. He might say for himself, having investigated the subject, that no one could read so much on the subject as he had without feeling it to be his bounden duty to his country to endeavour to ensure for it a Parliamentary investigation, in its fullest details, if that should be found to be necessary. He should not, however, enter into those details on that occasion, because he believed that, whatever might be stated on that part of the subject in support of his Motion, there were independently of that abundant reasons of a political and public nature, such as more generally came within the view and consideration of the House, which would afford sufficiently to make out the case he was contending for. The hon. and learned Gentleman the Member for Southampton (Mr. Digby Seymour) had given notice of an Amendment to his Motion, to the effect that the House should take into consideration all grants of a religious nature to all religious bodies whatsoever. Now, he (Mr. Whalley) felt himself at liberty to anticipate to some extent the discussion of that Amendment, because it appeared to assume that that question of Maynooth was a mere religious question, that all religious grants were pretty much on the same footing, and that if the Maynooth Grant should be withdrawn all others ought to be withdrawn also. In the first place he would observe that he might simplify the point which his hon. and learned Friend the Member for Southampton proposed to establish, by referring to the sentiments expressed by the hon. and learned Gentleman in reference to that very question on a former occasion. The grant in its actual application was undoubtedly applied to purposes of religion, but that was not the intention of the Maynooth Act—the object of that Act was to provide for the better education of Roman Catholics, and it did not say a word about religion in any other sense. Nothing could be more conclusive as to that, in fact, than the speech of the hon. and learned Gentleman he had referred to. The hon. and learned Gentleman on a former occasion had very fully expressed his opinion on this subject, and I cannot better express my own views than by quoting the words of the hon. Gentleman. He then said—

> "The State, either wisely or unwisely, and I confess I am of the former opinion, has determined that there shall be an Established Church. Of course there can be but one, and that one maintained at the national expense. The State has further determined that the Established Church must be Protestant. Now, a Roman Catholic college, founded in perpetuity for purely Roman Catholic purposes, is inconsistent with the security of that Protestant Establishment, as a conscientious member of which I maintain that such a college should not receive encouragement or bounty."

He said also that there should not be a Roman Catholic College for the education of Roman Catholic priests, for it would be their steady purpose to direct their strongest energies to the overthrow of those principles which the State had accepted for a national religion. And then he went on to state that if a fortress were erected at a great public cost, and he saw the General in command of that fortress endowing a school by its side for educating boys to undermine that fortress, he should pronounce that General a fool, a madman, or a traitor. He entirely concurred in the sentiments of his hon. and learned Friend. It would be for his hon. and learned Friend to explain to this House what connection there was between the Maynooth Grant and grants to other religious bodies. He knew of no other grant that was at all in a similar position except the *Regium Donum;* and if some Gentlemen thought that this *Regium Donum* should be repealed or even that the Established Church in Ireland was too amply endowed, he would ask all those who thought so on what rational grounds they could deem it a remedy for that to endow this college or could withhold their consent from the Motion he was now making? So long as this grant remained no other could be repealed, withheld, or diminished.

He had promised to bring the question forward free from all the embittered feelings with which it was commonly associated, and he should strive to his utmost to observe that promise whilst asking the House to consider the position of the Maynooth question in reference to our foreign relations, and also in reference to the progress of Romanism at home. Sir Robert Kane, the President of the Queen's College at Cork, remarked that Maynooth was the only place in the world, not excepting Rome itself, where the principles of the Roman Catholic religion could be inculcated with perfect immunity from the supervision of the State. There, and only there, were Ultramontane doctrines freely taught, with what success might be judged from the fact of the extension of the college privileges, and of the college turning out 500 or 600 students annually. Maynooth supplied priests, not for Ireland alone, but for England and the Continent of Europe. Maynooth was the citadel of Popery, in fact, to which it had been at length driven by the awakened common sense of the nations of Europe. In 1795, when the college was first established, there were circumstances to justify its establishment to a limited extent. There was not a spot in Europe where the doctrines of Rome could at that time be taught; and the object was to resist even by Romanism the doctrines of Atheism and anarchy then predominant on the Continent; in then offering an asylum to it at Maynooth, we had to choose between that and atheism, anarchy, and the other horrors of the French Revolution. But the grant was limited simply to the establishment of a college—for it was not ventured to propose a grant of money. But why should England now be the only place where such license was allowed? Since the period to which he referred, reason had asserted its sway on the Continent, and England and the nations of Europe were quietly watching the issue of the contest now being waged between the party of whom Garibaldi was the leader, a Roman Catholic nominally, but yet a Protestant by right of judgment, and that of which the Pope was the head, his officers being these priests, and especially those of the Ultramontane school. And where did he get those priests from? From England—from free, Protestant England. England became thus the citadel of the Pope; England was his greatest support in this unholy warfare against the civil and religious liberties of Italy. The material consequences of the sympathy thus manifested for him were seen in the formation of "the Pope's Brigade," and the honours that were conferred upon it after its return. Thus was England disgraced in the eyes of Europe. He submitted, therefore, that having due regard to the position of England, as having been for centuries the great Protestant bulwark of Europe, to continue the grant under such circumstances was inconsistent with the honour and dignity of the country. And as regarded the home question, what had the advocates of the grant to say in its defence? At the time of the foundation of the college, assurances, the most solemn, were given of obedience to the law, and that the donors should never have to regret their benevolence. Yet how had that promise been observed? The priests had received instructions to teach St. Thomas Aquinas, Augustine, and the canons, doctrine, and discipline, of the Roman Catholic Church, the natural effect of which was treason to the Sovereign, and social and moral anarchy. Passing over the interval from 1795 there were two or three Acts passed which ought to have excited the gratitude of the Roman Catholics, one of them being the Catholic Emancipation Act. But instead of gratitude there was not to be found in the history of any people more outrageous ingratitude, more barefaced rebellion and treason than had from that time been manifested in the College of Maynooth, and most especially so in connection with those measures which had been taken with a wish to conciliate. He would now come, however, to a circumstance which seemed to imply a distinct repudiation of the grant by the Roman Catholics themselves. The grant as it existed now was given in 1845. In 1851 the canon law was introduced into this country by a bull addressed to Cardinal Wiseman. The whole system of Rome was introduced on this authority, in the same plenitude as it existed in other countries of Europe. The House would remember the extent to which that aggression roused public opinion in this country, and the attempts that the House made to repel that aggression, and the result showing the impotence of those attempts against the power of Romanism, which entirely defeated all the attempts of Parliament and the country to resist it, was also present to the mind of everyone. In 1852, the Earl of Derby, who proposed the grant in the House of Lords in 1845, stated that although he was not then prepared to withdraw the grant, yet could not but express his regret that the grant could not be any longer justified, and that the conduct of the Roman Catholic priests had entirely deprived him of the means of justifying the grant. Lord Derby then explained at length all the circumstances. He would now call the attention of the House to the reply, given apparently by way of challenge, by a society established by Dr. Paul Cullen, and called the Catholic Defence Association, of which Mr. Henry Wilberforce was the secretary. Mr. Henry Wilberforce replied to the statement of Lord Derby in the following terms:—

> "It is quite true that you made this grant in the expectation that the people of Ireland would be conciliated, that they would become loyal subjects, and would recognize some degree of obligation to the Queen and the Parliament of England in respect of this grant."

And then he went on to say—

> "It was not likely that any Minister could suppose that the people of Ireland were going to sell their liberty of action and right of independence for a grant of £30,000 a year."

And further—

> "Lord Derby expected that the Catholic clergy would have obeyed the law, and they have openly refused obedience to the Ecclesiastical Titles Act. And who are they who have disobeyed the law? The archbishops and bishops of the Roman Catholic clergy of Ireland; they have treated it as they were in duty bound—namely, as if it did not exist."

The Roman Catholic Archbishops and Bishops who were the visitors of this college deliberately declared, and fulfilled that declaration on all occasions by their acts, that they would continue openly to defy the law, and to set at nought the conditions on which the grant was made. These Roman Catholic prelates declared, therefore, in the most flagrant and express manner, by words and by acts, that they would set at defiance the supreme authority of the law of the country. Unfortunately the canon law, so long as it did not come home to the feelings of the people, was not deemed worthy of their investigation, and they found it difficult to understand what it was; but whatever it was, whether it was for good or for evil, it had been established by the Bull of 1851. In effect, the Roman Catholics of the United Kingdom said to Parliament, "Take back your grant if you like; nay, it is your duty to withdraw it, for we will not accept it on the conditions which the Earl of Derby, who moved it in the House of Lords, expressly declared to have accompanied it.

The danger and the mischief was greatly increased only last Session; an Act had been passed to raise money for the purpose of repairing the college upon the security of this grant. The trustees of the college are the Bishops and Archbishops of the Roman Church in Ireland, and all of them by their words and acts, openly defy the law of the land. That was the fruition of the system pursued at Maynooth; but, unhappily, its full effects did not come home to the business and bosoms of the people to the full extent it should do, because it was impossible for them to know what the canon law of Rome is; but whatever it might be—whether it was material or immaterial that we should know what that canon law was—one thing was certain, and that was, the Archbishops and Bishops, the trustees of this college, openly and constantly defy, and that too with impunity, the statute law of the land. On these grounds he contended that the House was bound to withdraw the grant. With regard to our foreign relations, he thought he had established his case; he would say that, however expedient it might formerly have been in the estimation of the then Government or the House to have made such a grant, there was no reason why it should be continued, when it was known that it taught doctrines which these Europeans nations have repudiated. With regard to the home interests affected, we were called upon to pay £26,000 a year for imparting an education of the nature of which we were kept in ignorance. The authorities of the college refuse to acknowledge its text-books or submit its teaching to any practical supervision or inspection. In so doing, he contended that they had violated not only the spirit but the letter of the understanding, and agreement on which the grant had been made, and thereby rendered it inexpedient, to put it on the lowest ground, that it should be continued. The terms of the grant—the terms on which it had been paid from 1845 up to the present time—were that the money was to be applied "for the better education of persons professing the Roman Catholic religion." It might have been right to make such a provision at that time, because there was then no provision in existence for educating "persons professing the Roman Catholic religion." Yet how stood the case now? Why, since that time the "Queen's Colleges" had been established in Ireland for the express and avowed purposes of affording to Roman Catholics as well as others such education; but the grant itself, instead of being applied to this original purpose, was applied to the education of Roman Catholic priests alone, and, on behalf of the laity of that Church, he thought he might fairly insist that it should be discontinued. Looking at the practical results of the mission of these priests. The college was maintained for the purpose of teaching the priests a system which, not many years ago, had produced a famine in Ireland. In their interest he asked the withdrawal of a grant which had been wrested from its purpose, which was uncalled for, under the new circumstances which had arisen since it was first made, and the conditions of which were not fulfilled by those who received it. But there was another reason why the grant should be withdrawn. By the Constitution of this country the Roman Catholic religion was declared to be superstitious and idolatrous. How, therefore, could that House possibly justify or continue a grant the special object of which was the education of those whose special mission was the teaching of that religion. In 1845 the plea might have been urged that the Roman Catholics were very numerous in Ireland and very poor; but how was it now? The result of the aggression in 1851 had multiplied in every direction Roman Catholic cathedrals and chapels. The Roman Catholics were increasing in power and influence, and they had seen within these few days the very threshold of that House invaded by those who propagated the tenets and the doctrines of the Church of Rome with a view to influence in secular matters the deliberations of that House. He would ask the House if, under these circumstances, he might not put in a word in favour of respect to the religious scruples of the people of this country? It was objected that the floor of that House was not the proper arena for the discussion of religious questions or the claims of religious parties; but it was not his fault that these questions were mooted there. It was the fault of the Act which granted money from the national purse for the promotion of purposes which religious and conscientious men could not approve of, and he said that these religious scruples were entitled to consideration. The noble Lord the Member for London had admitted in 1845 that, if there were any great and continued agitation arising out of the grant upon religious grounds, that might be a reason for its discontinuance. Upon that ground he asked for the vote of the noble lord. He said that ever since that time there had been an agitation against this grant, and that that of itself was a reason for its withdrawal. That was one of the principal reasons why he, occupying so humble a position in that House, had brought the subject forward. He had been asked to do so in an address presented to him by 7,000 persons who had earnestly urged him to bring the question forward. That address was signed by persons of all classes and resident in every part of the kingdom, and petitions in favour of the withdrawal of the grant had been signed by 50,000 persons. He asked the House to agree to his Motion on another strong ground. The people of this country annually subscribed voluntarily £200,000 a year for the dissemination of the Bible; and other societies, with somewhat of similar objects, subscribed annual amounts that would make the sum nearly a million a year contributed for the dissemination of the Bible and for other essentially Protestant purposes; but, confining himself simply to the £200,000 a year voluntarily subscribed for the dissemination of the Protestant Bible, he would ask how was it possible that these persons could acquiesce in the annual payment of £26,000 a year, from the national taxes, to persons who were totally opposed to the dissemination of the Bible? In Wales, the part of the country with which he was connected, there were a great number of Dissenters. They neither asked for nor received any grants; they subscribed for the diffusion of Scriptural knowledge and the great religious truths in which they conscientiously believed; and on their behalf, and on the behalf of all Bible Christians, he asked the Government on what public ground either arising out of our relations to foreign countries this grant should be continued, or why the conscience and convictions of hundreds and thousands of persons at home should be insulted by the continuance of a grant which they looked upon in the light of a national sin? He would not, however, lay much stress on that argument then, that would hereafter arise and make itself heard throughout the country and in that House, but he did appeal to the statesmen on both sides of the House to do their duty on an important question. He asked them either to show some great national cause or purpose to justify the continuance of a course which was so much opposed to the judgments and consciences of the most loyal and religious of Her Majesty's subjects? or, in the absence of any such reason, he did hope that they would respect the religious scruples of the community at large, and withdraw this most obnoxious grant. The hon. Member concluded by moving the Resolution.

Motion made, and Question proposed,

"That this House will immediately resolve itself into a Committee to consider the Acts for the endowment of the College of Maynooth, with a view to the withdrawal of any endowment out of the Consolidated Fund, due regard being had to vested rights and interests."

SIR WILLIAM VERNER rose to second the Motion of the hon. Member who had just sat down. He was happy to have an opportunity of joining in any measure calculated to put down an establishment in which doctrines were taught contrary to the Word of God, and detrimental to the best interests of mankind here and hereafter. He would take advantage of the opportunity to return his thanks, and the thanks of the loyal body of Protestants in Ireland with whom he was identified, to the hon. Member for North Warwickshire (Mr. Spooner), for the manner in which year after year he had come forward to endeavour to put an end to the State support of an institution which taught doctrines so repugnant to all Protestants. He (Sir William Verner) was fully aware that the House of Commons had now no power to withhold the annual grant from Maynooth, as it was paid out of the Consolidated Fund; but that was no reason why it should not agree to the Motion of the hon. Member for Peterborough. It might be said that there had already been an inquiry into the Maynooth system. He (Sir William Verner) recollected that a Commission was appointed to inquire into the College of Maynooth, but it was a mere mockery. Several of the persons at the head of the establishment, and who joined in the mischievous course pursued in it, were placed upon the jury to try themselves. The consequence naturally was that they acquitted themselves. The doors of Maynooth were now closed, and they could know nothing of what was going forward within its walls. Their only mode of forming a correct judgment of what is taught within them was by watching the conduct of those who have been educated in it after they have left it. [The hon. Baronet then read to the House a document which was understood to be a declaration made by every person admitted to the college, and to which he was bound by oath before he could be collated to any parish. This declaration set forth the principle and doctrines of the Roman Catholic Church, and was, the hon. Baronet said, a full exposition of the principles and doctrine taught in the college.] He (Sir William Verner) would now ask how any Government professing to be Protestant can feel justified in calling upon the country, still Protestant, to contribute to the support of an establishment where such an oath is required to be taken, and where such doctrines are not only taught, but those who are instructed in them are by oath bound to circulate, in whatever part of the universe they may be sent? In order to make the House aware of the sentiments entertained by the priests, and the means they take to circulate and impress them upon the public, he would mention a circumstance which took place in that House, and at which he was present. There was in the House, at the time to which he alluded, a Member of high character and position. He was put forward as the representative and mouthpiece of the Roman Catholic body, to speak their sentiments whenever an opportunity presented itself. A debate took place upon a subject connected with Romanism, upon which occasion this person spoke as follows:—

> "The Church of Rome had been accused by many Members of persecution. He was not prepared to deny the imputation. He admitted that on many occasions members of the Church had been guilty of acts of persecution; but he might mention that each of those acts was to be estimated according to the temper and spirit of the time. He might point to the Old Testament as containing much that might appear to authorize the persecution and extinction of unhallowed creeds."

He (Sir William Verner) would beg to ask, who is to define what are "unhallowed creeds?" The same Member thus continued—

> "The hon. Member who had just sat down had said that the Church of Rome was antagonistic to Protestantism. He perfectly agreed with him; and as long as the world lasted it would continue so, until Protestantism was extinct."

This was language that could not be mistaken. Mr. Plumptre, who was then in Parliament, thanked the noble Lord for the candour and fairness with which he admitted that the contest between Popery and Protestantism must go on till Protestantism should become extinct. He would tell him that the Protestants of this country were prepared to meet these words with corresponding language. He (Sir William Verner) had several more documents which he intended to submit to the House but for the impatience expressed. He would conclude by making one observation, which he would take the liberty of addressing to the noble Lord at the head of the Government. The noble Lord had been repeatedly appealed to, to "do justice to Ireland." It was well understood what sort of justice that meant. In this call he fully joined; but what he wanted was equal justice for Protestants as well as Roman Catholics. Did the noble Lord consider it justice to Protestants to appoint eight Popish Judges for Ireland? Would the noble Lord venture to say that it was not because they were Roman Catholics they were appointed? Could not the noble Lord find one Protestant member of the Irish bar sufficiently respectable or qualified to be placed upon the bench? And now a ninth may be said to have been appointed, in the person of a Roman Catholic Attorney General. This right hon. Gentleman was sent down by the Government to the assizes at Armagh, with a strong force at his back, to hang a Protestant of whose innocence there existed no doubt. He (Sir William Verner) could not say that the Attorney General knew that he was innocent—that might be to commit himself—but this he could say, that from his professional experience the Attorney General must have known that had he not withheld the evidence of two witnesses, and suppressed the declaration of a dying man, he must have been acquitted; notwithstanding which, a jury exclusively Protestant—

four of them masters of Orange lodges—found him guilty of manslaughter. But so disgraceful was the whole transaction, and so clear the man's innocence, that the Lord Lieutenant, exercising his prerogative of mercy, ordered the man to be liberated from prison, but not until he had suffered incarceration for upwards of eight months. And yet this individual still continues to fill the office of Attorney General, and has been rewarded by being presented to the Prince Consort.

Mr. DIGBY SEYMOUR, said, that he congratulated his hon. Friend on finding a seconder in the hon. Baronet, who united to English zeal and fervour the Orange loyalty of Northern Ireland. At the same time he regretted that his hon. Friend the Member for Peterborough had spoken of the Roman Catholics in a tone that was calculated to rouse bitter feelings. He did not yield to his hon. Friend in his zeal for Protestantism; but, however appropriate pulpits and platforms might be for anti-Roman Catholic harangues, he thought that Protestant feeling was not a proper basis for a vote given in a legislative assembly. He did not think that the Irish famine had any connection with the teaching or logic of Maynooth, or that Puseyism in the English Church was at all referable to Maynooth, and, therefore, he deplored the introduction of these topics by his hon. Friend. His hon. Friend had quoted an opinion of his; all he should say was that that opinion was given seventeen years ago, and when he was only twenty-two years of age. His language then was full of zeal, and he did not regret it. What he said in substance was this, that so long as the State, wisely or unwisely, maintained a Protestant establishment in Ireland—so long as the religion of the minority was forced by State props upon the majority of the Irish people—so long, he thought, there was an inconsistency in this country supporting the Popish College of Maynooth. He guarded himself, however, by saying whether, "wisely or unwisely." The experience of many years and deeper acquaintance with the subject had led him to the conclusion that it was not wise, for the sake of the Protestant religion itself, to maintain in Ireland by the support of the State a Church which was opposed and in obnoxious hostility to the religion of the great majority of the inhabitants of the country. His Amendment was intended to place the subject before the House on a most satisfactory footing. He begged to say that he was opposed to the Maynooth Grant on the same grounds that he was opposed to the *Regium Donum*, and to the Edinburgh annuity tax. That was the broad and charitable ground to take of the question. Religion unshackled would be better able to battle against the powers of untruth, because the people would be more ready to embrace the doctrines of a pure religion when unaccompanied by State aid. There were four parties in the House on the subject—the first were those who supported church rates and voted against Maynooth; they were entirely inconsistent. The second, the Roman Catholic Members for Ireland, who supported Maynooth and opposed church rates; they were inconsistent, for why were they not as tender to the consciences of Members of the Church of England, who supported church rates, as to those of the Roman Catholic Church? The other two parties were for both and against both. As he voted against church rates, he should vote against the Maynooth grant, and leave the support of pure religion as the free offering of a free people.

Mr. HADFIELD seconded the Amendment.

Amendment proposed,

"After the word 'Fund,' to insert the words 'and also to consider the expediency of withdrawing all other State Endowments and Grants for Ecclesiastical and Religious purposes in Great Britain and Ireland.'"

Question proposed, "That those words be there inserted."

Mr. CARDWELL said, he was glad to have collected from the course of the discussion, that it was not the pleasure of the House that the question should be discussed at length, and that they did not desire to re-open a question which by common consent, both in the present Parliament and in the last, was closed. It must not be forgotten that in the former Parliament, at the suggestion of his right hon. Friend the Member for Cambridge University (Mr. Walpole), who as Home Secretary had then to answer the hon. Member for North Warwickshire, the House declined to re-open a question so full of angry feeling, and last Session it came to the same conclusion. Without meaning the slightest disrespect to the hon. Member for Peterborough he might be permitted to state that if this question could have been brought to a successful issue in the way desired by the hon. Gentleman it would have been so terminated by one for whom they all sincerely felt regard, the hon. Member for North Warwickshire. The hon. Member went on advocating his sincere views on the subject up to the latest moment when he could obtain a favourable attention from Parliament, and the fact of his having now allowed the question to pass into other hands was a proof that the House would not permit it to be re-opened. In consequence of what had fallen from the hon. Member for Peterborough, he thought it right to state that, according to the Report of the Commission, there was nothing in the teaching of the college which was not consistent with unreserved allegiance to the Queen or with the rules of morality; and, further, it was only right to state that the conduct of the students of the college was acknowledged by those who were competent to speak on the subject to be most exemplary. The hon. Member for Peterborough had spoken of a new agitation, but he hoped the House would not encourage any such undertaking. The hon. Member, not feeling sanguine as to the result of his Motion had, like a cautious general, provided a line of retreat for himself, having given notice that in the event of his Motion for repealing the grant to Maynooth College being negatived, it was his intention to propose a Select Committee on the doctrines and discipline of the college, intending to employ the Committee in considering the commentaries of Cabbasutius and Devoti. He hoped it was no proof of discreditable ignorance if he admitted himself to be profoundly ignorant of those writings. He was convinced, however, that if the House of Commons began to uproot the foundations of religious establishments throughout the country, they would have difficulties to encounter and anxieties to meet which they would find it most difficult to surmount.

[*Loud cries of* "Divide! Divide!" *which were continued, with other manifestations of the extreme impatience of the House, throughout the remainder of the debate.*]

Mr. SPOONER said, he would trespass for a few minutes only on the indulgence of the House, which had been so often accorded to him. He wished to disabuse the House of the impression which seemed to have been conveyed by the right hon. Gentleman that he had withdrawn from this question, because he considered that Parliament was no longer willing to entertain it. He assured the right hon. Gentleman that he felt it to be his duty, so far as he was able, to protest against the Maynooth grant. But if he had been desirous again to take the lead in this question, his health and strength would not permit him. His right hon. Friend had said that this question was silenced; but in this his right hon. Friend was mistaken. The Protestant feeling in this country was as strong as ever, and, in his humble judgment, the Protestants of this country were able to bring before the House so strong a case against Maynooth that it would not be possible for any Government to put it aside, or resist it. At the same time he was far from denying the Protestant right of private judgment. That, however, was a right not allowed by the Roman Catholic Church. They declared that their followers were to be guided, not by their own judgment, founded upon the Word of God, but by what their priests decided to be the right doctrine. He (Mr. Spooner) respected many Roman Catholics, with some of whom he had had a personal acquaintance of many years; but he was opposed to a system which he believed to be in principle completely subversive of the Constitution of the country, and contrary to the Word of God. He believed that the favour of Divine Providence had rested especially upon this country on account of its Protestant character and principles, and that whenever we had diverged from those principles we had incurred, as a nation, the Divine displeasure. The experience of this country of late years, during which we had unhappily lent ourselves to the propagation of Popish doctrines through Maynooth, and in other ways, would, he contended, fully bear out this view of the question. The Sovereign, at the Coronation, took an oath that she would support on all occasions the Protestant Reformed Church of England. He was deeply grateful to his right hon. Friend the Secretary for Ireland for the kind manner in which he had mentioned his name, but he must say that he believed the feeling of the country was decidedly against this grant, and he should vote with the hon. Member for Peterborough.

Mr. SOMES—whose remarks were rendered almost inaudible—said, he rose with considerable diffidence to support the Motion which had been so ably brought forward by the hon. Member for Peterborough; but he thought that having that evening had the honour of presenting to the House a petition, signed by some 1,300 of the inhabitants of Hull, against what he should call that unrighteous and inconsistent grant to the Roman Catholic College of Maynooth, he had some claim on the indulgence of the House while he said a few, and but a very few, words on the subject. He should consider himself utterly unworthy of a seat in the Parliament of a Christian and Protestant country, were he not to endeavour to overcome his reluctance to speaking on an occasion when such a matter was under discussion in the House. It could not be said that the Roman Catholics of Ireland were not able to bear the expenses of Maynooth College; for they could contribute some £8,000 or £10,000 a year to a society at Lyons for the propagation of Romish principles, and they also contributed largely to the fund called "Peter's Pence," to feed the Pope's armies, and repress the spirit of liberty and independence which Englishmen so much admire amongst the people of Italy. During the last twenty years the Papists, whose demands for other purposes are constantly increasing, have received from this country more than half a million of money for the support of a college where the Bible is excluded, while all support is withheld from those Scriptural schools in Ireland in which the Bible is taught to all the children. He had intended to make some further remarks on the subject, but, seeing the impatience of the House, he should refrain. However, he felt it his duty to make an attempt at being heard, and he could not sit down without protesting against the continuance of the grant to Maynooth, and stating that he should vote in favour of the Motion of the hon. Member for Peterborough.

Mr. NEWDEGATE, who at first had some difficulty in obtaining a hearing, said, he felt that he stood in a somewhat difficult position; for sixteen years he had in that House, without intermission, promoted the object of the Motion now made by the hon. Member for Peterborough, and recently he had been strongly urged to introduce the subject, when it became inconvenient for his hon. Colleague (Mr. Spooner) any longer to bring it before the House. He, however, declined to accede to the request, and he rejoiced that he had done so; not in the least that his opinions on the subject had changed; not in the least that he believed the anticipations of the right hon. Gentleman, the Secretary for Ireland, would be fulfilled, but because he felt that when an hon. Member had for many years urged on the attention of the House a very grave subject, the subject was apt to become overlaid by personal considerations in the estimation of the House, and lost that representative character which was essential to the due appreciation of the just value and importance which the people of the country attached to this question. He felt also that the subject was in danger of degenerating into a mere party question, and he rejoiced that he declined to bring it under the consideration of the House, because the choice of an advocate on the part of the Protestants of England had fallen upon an hon. Member who had brought it forward with ability, temper, and judgment, which he hoped would establish him in the good opinion of those whose gratitude he had fairly earned. The Amendment of the hon. Member for Southampton was to the effect, that whereas he, in common with others, felt a strong objection to the grant to Maynooth especially, because the teaching at Maynooth was directed against the very existence of the Church of England, that, therefore, the House should proceed to abolish all other endowments. What did that amount to? This fervent Protestant, not in the least denying that ultramontane doctrines were taught at Maynooth, asked the House to say that, because they were not prepared to grant £30,000 a year for the continuance of ultramontane opinions, they should proceed to abolish the endowments of the Church of England. The hon. and learned Member formerly entertained great objections to the endowment of Maynooth, because that establishment was specially organized to attack the Church of England; but now he proposed that the House should at once accomplish the object which he deprecated before. He thought he might easily anticipate the fate of the hon. Gentleman's Amendment. It was not to be denied that the teaching of Maynooth was ultramontane teaching—that it was the teaching of the Jesuits. Nothing could be more unprincipled, nothing more impolitic, than that Protestant England should pay for the dissemination of these doctrines. For what reason? Why did Roman Catholic Europe tolerate the position of the Emperor of the French, not only in Europe, but in Asia? He was tolerated because he restrained the tyrannical disposition generated by the Jesuits, and thus conferred an enormous benefit on Christendom. This fact stood forth, that the chosen ruler of Roman Catholic France was exercising restraint upon the dissemination of these Jesuitical doctrines, and the tyranny which they generate, and that Roman Catholic France maintained herself in an exalted position because she rendered not only to Frenchmen, but to Roman Catholic Europe, that great service. What a contrast! The Parliament of England continued in a state of disgraceful ignorance on the subject, paying for the inculcation of doctrines which she condemned, and fostering the extension of a power not tolerated by Europe or the rest of the world. While the Austrians had so far freed themselves, as to compel their Government to rescind their Jesuit-coined Concordat with the Pope — when Baden-Baden, despite the exertions of the Archbishop of Friburgh and his allies, had discarded her Concordat — when the rest of the world were rejecting and restraining this spirit of Jesuitical domination and tyranny—the Parliament of England were paying for the dissemination of these very ultramontane doctrines, for the extension of this very Jesuitical domination, against which almost the whole of the rest of the world were protesting. He was confident that those who choose to persevere in such a course would, sooner or later, find themselves severely corrected by the strongly expressed opinion of the country.

Mr. VINCENT SCULLY said, it was impossible for him to vote for the Amendment of the hon. Member for Southampton, and he, therefore, wished to state his reasons for not voting for it. He thought very few hon. Members understood the Amendment. On reading it, it appeared to him that it did not go beyond the *Regium Donum* in Ireland, and the Annuity Tax in Scotland, and that it did not include the revenues of the Established Churches in England and Scotland. The Amendment was, however, not very clearly drawn up. He would suppose his hon. Friend to be addressed by a Protestant clergyman at Southampton, who would say to him, "How can you suppose that I will give you my vote again in this borough when you propose to abolish all grants to the Church of England?" "Oh," the hon. Member would reply to him, "the Amendment did not mean that—it only meant the grants to the rascally Presbyterians and those Popish gentlemen." To make sure, he (Mr. Scully) went up to his hon. Friend twice, and questioned him as to his meaning, and his answer was that he (Mr. Scully) understood the Amendment in the same manner that he (Mr. Seymour) understood it himself. Now, he was quite prepared to vote against religious endowments as a whole, but he would not single out small grants for abolition, while large ones were retained. Having now explained himself, he begged to say that he was prepared to vote against the Amendment of his hon. Friend the Member for Southampton.

Mr. WHALLEY, in reply, said: I wish the House to note this fact—that neither the right hon. the Secretary for Ireland, nor any other Gentleman, has attempted to deny my statement, that this college teaches those doctrines of the Roman Catholic Church which, under the name of Ultramontane, have been virtually excluded from every other seminary in Europe, or one there taught under the direct supervision of the State; and that this Protestant country affords the only means by which the Pope can now train a priest brigade to carry out that system from which Europe, after centuries of struggle, is at length emancipating itself. No denial has been given, or can be given, to the fact that this system recognizes and recommends treason, perjury, and murder as laudable actions, when thereby the interests of the Pope can be promoted; and that the extraordinary spectacle, which Europe witnessed with amazement, that Ireland was the only country which sent the Pope a military brigade, is the natural result of a system which amongst ourselves we see daily manifesting itself in treasonable speeches and such preparations for rebellion as prudence allows. My hon. and learned Friend the Member for Southampton, objects to my connecting with Maynooth that Jesuitical element which has of late years manifested itself in our own Church under the name of Puseyism; but I can show, if required, the very rules—the precise instructions as inculcated at Maynooth—by which men, who receive the pay and exercise all the privileges of our Church, are enabled to earn for themselves honour and immortality by treasonably availing themselves of our Churches, and, by direct violation of their oaths of ordination, using our pulpits for the purpose of perverting and denouncing all Protestant doctrine and practice. I consider this Puseyite form of Jesuitism is a direct illustration, intelligible and brought home by daily experience to every one of that teaching at Maynooth, to which we alone, of all the nations of the world, now give Parliamentary sanction by this grant. When the right hon. Gentleman, the Secretary for the Home Department, last year sent 200 policemen, each Sunday, to St. George's-in-the-East to repress the righteous indignation of the Protestant parishioners, and refused to recognize the gross outrage to which they were subjected, or to afford them any opportunity of resisting the desecration of their parish church to Romish purposes, their cause became a national one; for by the voice and act of the right hon. Gentleman, the Governor of the country, Mr. Bryan King, the present priest-parson, was justified and supported, and the high-spirited Protestants of that parish were compelled by police and by magistrates to submit in silence and subjection to Roman Catholic forms of worship. And I can only account for so gross an outrage being tolerated by this House from the fact that it considers itself, by this grant to Maynooth, bound to defend the Jesuitical purposes which it so appropriates the public money to teach and inculcate. But I do not believe this House is prepared to accept all such consequences of the grant. I admit these are religious questions, and that this is not the proper place for the discussion of such questions; but so long as you grant money for religious purposes you must submit to the discussion of them, and, to avoid and avert such discussions is, in addition to all other objections, an unanswerable argument, I submit, in favour of my Motion. My hon. and learned Friend also objected to my connecting with Maynooth the famine in Ireland; but that is a point on which I can speak with a personal knowledge—for I was amongst the people. I was one of those humble instruments which England sent forth to save them from starvation and pestilence; and the evidence which all countries have contributed to give that this priestly domination, which we sanction and pay for at Maynooth, is really the direct cause of poverty, misery, and crime amongst all people who are subjected to it, was confirmed by my own observation. I saw myself the practical working of the system which, under pretence of providing for eternal salvation, deprives them of that liberty of thought and action which is essential for the temporal and present necessities of mankind. By this grant to Maynooth we pay for this teaching, we qualify these priests to keep in bondage the naturally high-spirited people of Ireland; and if it be true, as I assert and am prepared to prove that it is, that the qualifications which we thus impart to these priests consist primarily in conferring on them the ability to teach disobedience to the laws and a repudiation of the supremacy of the Queen and Parliament of England, what right have we to punish those poor deluded Irishmen for the acts which, in pursuance of such teaching, are carried out in their Ribbon lodges, and otherwise are repeatedly brought before our courts of justice and the public? The right hon. Gentleman says he has never heard of Cabbasutius and Devoti, and yet he quotes the Commission in which one of the objects of inquiry was the doctrines taught at Maynooth, as to which these names are amongst the most important. I have here the evidence that these doctrines are, primarily, detestation of England and Protestantism; and students, who enter that college loyal subjects, leave it, to use their own expression, "the vilest rebels, thirsting and praying for the destruction of England," and such is the spirit with which they go forth on their mission to our Colonies and elsewhere, with the stamp of Parliamentary sanction upon such mission. This the right hon. Gentleman chooses to ignore, and refers to the Report—as if a Report which, in the teeth of such evidence, says they know nothing of disloyalty, was not of itself evidence of the depth of the Jesuitism which prevails at Maynooth, and of the impossibility of exercising by Parliamentary means any sufficient control. That Report, this House well knows, was, if not written, revised and prepared for publication at Rome by the authority of the Vatican; and that the right hon. Gentleman should have ventured to quote that Report can only be accounted for by supposing that he relied upon such clamour as I have now to encounter in my reply to him rendering impossible in this House such refutation of his statements and arguments as I am prepared most fully to give. He may be assured that the Protestant feeling of this country will not be silenced by such interruption and clamour as its enemies can raise here. It does not depend on my voice, which may be easily silenced; driven back from the floor of this House, it will but spread wider and sink deeper into the hearts of the people—and what we saw in 1851, and lately in St. George's-in-the-East, will again be manifest so soon as the public begin to discover that this House, on which they are so well disposed to rely for the efence and protection of national interests, is under the control of those who either perpetrate or tolerate such means of preventing discussion as that to which this debate has been subjected.

Mr. DIGBY SEYMOUR said, he would withdraw his Amendment, finding it was the wish of the House to take the Division on the Original Motion.

Amendment, by leave, *withdrawn.*

Main Question put,

The House *divided:*—Ayes 114; Noes 191: Majority 77.

BARON DE BODE'S PETITION.

SELECT COMMITTEE MOVED FOR.

Mr. DENMAN said, that he rose to bring forward the Motion of which he had given notice for the appointment of a Select Committee to consider the allegations of the petition of the Baron de Bode, presented on the 18th of April last, and to report thereon to the House. A fair decision on the question could not be come to unless every one who took part in the vote heard every part of the argument. If he could insure that every one who heard him would listen to the case throughout, and that no others would take part in the decision, he should feel as confident of success as he ever did in any case upon which it had fallen to his lot to address any audience or tribunal. Before he proceeded to make the observations which he should have to make upon the claim itself, he wished to anticipate some objections which had been advanced over and over again, and which might be advanced on the present occasion. In the first place, it had been said more than once that this was a stale demand, and that the claimants had slept upon their rights; but he should convince the House that the Baron de Bode, so far from having slept upon his rights, had incessantly and by every means in his power pressed those rights upon the attention of Parliament, and upon all those from whom he had the hope of obtaining redress. It might also be said that it was *res judicata*, but he would undertake to satisfy the House that this was not a question which had ever been decided by a competent tribunal. He would also show that the Motion he submitted was the proper mode of proceeding. Parliament was always eager for precedents, and precedent was here in Baron de Bode's favour; because in 1834 the House of Commons had appointed a Committee to investigate his claims, but the labours of that Committee were brought to a premature close by the dissolution of the Parliament, and for some reason never resumed. True, in 1854, the matter was again brought forward by the hon. and learned Member for Greenwich (Mr. Montagu Chambers), when his Resolution was rejected; but it must be remembered that the Motion made in that year was not one like the present, simply for inquiry; but, if carried, it would have required the House to provide in the Estimates for the satisfaction of the Baron de Bode's claims without any inquiry of its own. Yet nothing but the eloquence of the then Attorney General (Sir Alexander Cockburn) and the right hon. Gentleman the present Chancellor of the Exchequer prevented a decision of the House in favour of the Resolution in 1854, because certainly nothing could have been more futile than the arguments which those eminent men used on that occasion, arguments which apparently must have been supplied to them on the spur of the moment by some official underlings. He would state to the House why it was that he had undertaken to bring forward the case. Shortly after he had the honour to obtain a seat in this House, an hon. and learned Member on the the other side of the House, whose engagements prevented him from giving sufficient attention to the matter, put the papers in his hands, and requested him, when he had sufficiently considered them, if he thought real ground for further inquiry existed, to bring the case before the House. He had carefully perused those papers, and come to the conclusion, that a strong case for inquiry existed; and, having kept the papers for a long time, he felt that he should not be acting fairly towards the Baron de Bode if he shrunk from a task which, if he had consulted his own comfort alone, he should certainly have long ago declined. He was aware of the disadvantage under which he laboured in attempting to address so thin a House on such a subject, but with their indulgence he believed he should be able to show all who would listen to him that it was a case not only peculiarly affecting the honour of the country, but calling upon Parliament in its highest character, as the grand inquest of the nation, to see that that right should be done to the claimant which had so long been withheld from him. It was not a case which rested wholly upon law, for then the ordinary tribunals would be the proper place to seek redress; but it was one which came within the meaning of a phrase which had been recently employed by the noble Lord at the head of the Government with reference to another matter—*Summum jus, summa injuria*—a case where by insisting on strict legal measure the highest injustice would be committed, because indisputable moral and equitable claims would thereby be destroyed. The case generally stated was this—In 1793 the French Government confiscated the estate of the father of the present Baron as an *emigré*, and afterwards handed over to the English Government a large sum of money to cover this and all other claims in respect of which that sum was paid. The main reason why he did not receive that money was because in an Act of 1819 it was recited, contrary to the fact, that all British subjects who had claimed in time and who were entitled to that fund had been entered upon a register. By that Act the absolute disposal of any surplus which might remain after the payment of the various claimants was to be left to the Lords of the Treasury, and it was consequently held by the House of Lords that that provision was fatal to the Baron's claim. It was not until thirty years after the passing of the Act, and the disposal of the surplus, that it was many years after held that this recital was fatal to the Baron de Bode's claim. It was necessary, therefore, to refer to 1818 in order to see what the claim of the Baron de Bode was; and if he had a just claim at that time, then it must be admitted that Parliament had done him a great wrong, of course, unwittingly, when it passed the Act of 1819. He should now call the attention of the House to the nature of the claim of the Baron de Bode. By the fourth additional article of the Treaty of 1819, a right was given to recover for the loss of property, moveable or immoveable, belonging to the subjects of the King of England, unduly confiscated by the French authorities. The words of the treaty were as general as possible. Now, he undertook to prove, first, that the Baron de Bode was a British subject, and that he was a British subject within the meaning of the treaty; secondly, that he was possessed of a landed estate in France; thirdly, that it was unduly confiscated within the meaning of the treaty; fourthly, that money was paid by the French to the English Government, to satisfy the claims for property so confiscated; fifthly, that after the payment of all claims there was a surplus which ought to have been appropriated to the payment of the Baron de Bode's claim; and sixthly, that the late Baron did everything he could do to entitle himself to the payment of his claim. The first point he had to establish was that the last Baron de Bode was a British subject within the meaning of the treaty, and, if the establishment of this point depended on the law of England, there was no more doubt of the Baron de Bode's right than there was of the right of any one of them to be considered an English subject. The Baron de Bode was the son of an English mother and a German father. The father married in 1775, and the Baron de Bode, the claimant, was born in 1777 at Loxley Hall in Staffordshire, the residence of his mother's father. He was for some few years brought up in the family of the Kinnersleys, in Staffordshire, and was, therefore, to all intents and purposes a British subject according to all interpretation of English law. It was argued that he was not a British subject at all, or a British subject within the meaning of the treaty, But the case of Eneas M'Donnell, in *Foster's Crown Cases*, where a person similarly situated to the Baron de Bode had been sentenced to the penalty of high treason, showed the Baron de Bode must be considered a British subject. If exposed to the penal consequences of being a British subject, a person was of course entitled on the other hand to the rights of a British subject. Then it was said that the Baron de Bode ceased to be a British subject, because he lived in France from an early age. The Baron de Bode be it recollected was born in England, and Lord Hatherton stated in the House of Lords that he had known him in childhood, and believed him to be to all intents and purposes a British subject. It was then said that the Baron de Bode was not a British subject within the terms of the Convention. He had several answers to that objection. His first was that between 1815 and 1818 the French Commissioners expressed a doubt whether the Baron de Bode was a British subject because his father was a German. On that occasion a case was laid under this very treaty before the high authority of Sir Samuel Romilly, and his unhesitating opinion was that he was to all intents and purposes a British subject. This opinion was sent to the French Government and the French Government acted upon it by withdrawing the objection, and thus acknowledged that the Baron de Bode was entitled to be compensated out of the money which they sent to this country. Again, Lord Lyndhurst, Lord Brougham, and the late Lord Truro, expressed an unhesitating opinion in the House of Lords that the Baron de Bode was a British subject within the meaning of the treaty. There was this still more cogent reason for holding the Baron de Bode a British subject, that among fourteen or fifteen cases decided before the Privy Council the current of decision, without a single exception, was that a person born in England was entitled to compensation as a British subject unless there had been some solemn act of naturalization to divest him of the character of a British subject. Again, there was the strong opinion to the same effect, of Mr. Pollock, in 1834, although in his forensic capacity of Attorney General he afterwards opposed the claim. What was there to divest the Baron de Bode of his right to be considered a British subject? Was it that he was possessed of immovable property in France. If that were so, the whole treaty was a nullity, for it recognized the right of persons holding such property to be compensated. Was it because he was a German? Why the essence of the claim was that whether his father was French or German, the Baron was a British born subject. It was said that he owed allegiance to France. But his father was not a Frenchman but a German, and he possessed property in Germany as well as in France. At the time the spoliation took place he was only fourteen years of age, and, therefore, it was idle to pretend that he could divest himself of the rights he then possessed. The Baron de Bode, therefore, having been born in England had a right to claim the privileges to which he was entitled as a British subject under the treaty. The petitioner's father was the possessor of a landed estate, consisting of the town and castle of Soultz, in Lower Alsace. That province, by the Treaty of Westphalia, was annexed to France, but by that and subsequent treaties the old German tenures were declared to be valid. The tenure was what was called a German male fief, which corresponded to what in English law would be called an estate tail, which could not be cut off. The right of investiture to the fief was in the Archbishop of Cologne. From 1788 to 1791 this was the state of things. The father was tenant for life; the son had a remainder-in-tail, a vested remainder which he could not cut off. In 1791 the father made over his rights to the son, and the cession took place at a large gathering of the tenants before a notary public in the most solemn manner. The right hon. Gentleman the Chancellor of the Exchequer—who played junior to the Attorney General on the occasion of Mr. Chamber's Motion — strenuously argued that there was no proof of the consent of the feudal superior; but it was plain that a person with a vested remainder wanted no such consent. Whether the father, however, made a valid cession or not, the son had still the remainder, and that was destroyed by the confiscation, and would of itself entitle him to claim. About 1793 the father and son, dreading what might occur if they remained in Alsace, took refuge with the Austrian army, and in 1793 their estates were confiscated by the revolutionary Government, by which they were sold and the money appropriated. It was contended that the confiscation was not an undue confiscation, as the Government by whom the act was done were in possession of the soil of France; but the object of the treaties of 1814 and 1815 with the legitimate Government of France was to do justice to those who had been spoliated. Every confiscation by the arbitrary decrees of the revolutionary Government was unfair and illegal, and that was the view which the English House of Commons ought to take, because those were not days when England so easily recognized new Governments, and it never did recognize the revolutionary Government of France. Then it was said that the father and son were emigrants, and, therefore, the confiscation not undue; but it was held by Sir William Grant that it did not follow that the treaty did not apply because confiscation took place after emigration. The next objection was that, although it was the property of a British subject, it was not confiscated as the property of a British subject, and, therefore, not within the treaties. This point was strenuously insisted upon by the Chancellor of the Exchequer, and mainly influenced the votes on a former occasion of the hon. Member for North Warwickshire and the hon. Member for Greenock; but it was completely answered by the case of the Count de Wall, as reported in 3 *Knapp's Privy Council Reports.* Drummond's case, reported in 2 *Knapp* had no bearing on the present question, because there the claim to be recognized as a British subject was made under a special statute as to Protestant inheritances by the grandson of a man born in England, and not as here by a British-born subject. Fanning's case in the same volume was more to the point. Fanning was a natural born British subject, who resided in France, where he acquired the title of Count de Fanning, and was looked upon as a French subject. He took out letters of naturalization, but, as they were not properly completed, the Privy Council held that he still retained his birthright as a British subject. It could not be pretended that the Baron de Bode had ever become a Frenchman by any solemn authenticated act; and he submitted in spite of what had been argued formerly that the accident of birth was sufficient to constitute him a British subject within the meaning of the treaties. On a former occasion it was urged by the Attorney General and the Chancellor of the Exchequer that the Convention only applied where the persons whose property was confiscated were referred to in the second Article of the Treaty of Commerce in 1786, but that treaty had no more to do with the subject than it had to do with any other treaty with any other country on any other subject. On the 20th of November, 1815, a definitive treaty was entered into which recited the fourth additional article with regard to property of British subjects, and it was upon the Treaty of 1814 and the conventions added to the Treaty of 1815 that the actual question of the Baron de Bode's title rested. In Article 1 of Convention No. 7, it was stated that the subjects of his Britannic Majesty having claims upon the French Government who in contravention of the second article of the Treaty of Commerce of 1786, and since the 1st of January, 1793, had suffered on that account by the confiscations decreed in France, should, in conformity with the fourth additional article of Treaty of Paris of 1814, themselves, heirs or assigns, be indemnified. But it was not under that clause, but without and entirely beside it, that the Baron de Bode's claim arose. In the fifth Article of Convention No. 7, there was this provision—

> "In order to determine the capital due on immovable property which belonged to British subjects, and had been sequestered, confiscated, and sold, proofs of two things should be required—first, the deed of purchase proving proprietorship; and, secondly the act proving the facts of the sequestration, and of the confiscation against themselves, their ancestors, or assignors, subjects of His Britannic Majesty."

That was all that was required, and that clause was perfectly free from any mixture with the second article of the Treaty of 1786. The Treaty of Commerce of 1786 referred only to persons temporarily residing in France for the purpose of trade and commerce. In case of any misunderstanding arising between the two Crowns, the subjects of each Power were to be allowed to continue their residence without being disturbed, as long as they conducted themselves peaceably. If they became suspected by their conduct, they were to have twelve months' notice before they were required to leave the kingdom. It had been said that Baron de Bode did so offend by acting contrary to public order. But it was the French revolutionary Government that decided he had done so, simply by the act of emigrating. But the Treaty of 1786 did not refer to immovable property at all; for down to a later period, by the law of France, and the *Droit d'Aubaine,* no British subject could hold immovable property in France. On a former occasion the right hon. Gentleman the Chancellor of the Exchequer maintained that it was only to cases in which persons merely residing temporarily in France that the Treaty of 1815 applied. But it really applied to claims of all kinds and descriptions. It was signed on the 20th of November, 1815; and a term of three months from that date was allowed to persons in Europe to make their claims for compensation; to those in the colonies a term of six months was given. After the expiration of those periods British subjects, who had not claimed within the time, were not to be entitled to compensation; and the next point of the case was that money was paid by France to England to indemnify those British subjects whose property had been confiscated; and the French Government was aware that Baron de Bode was one of the persons claiming. The opinion of Sir Samuel Romilly was sent to the French Government, and it admitted that it was valid. It was a curious fact that so late as in 1853, when the case had run the gauntlet of the courts of law, Lord Lyndhurst produced to the other House of Parliament, a letter from M. Guizot, written in answer to certain applications made by the Baron de Bode. It was perfectly obvious from that letter that between the date of the signature of the treaty, and the period when the case could be brought forward for adjudication, the French Government admitted that Baron de Bode was a British subject. Documents signed and countersigned passed on the question. After he had in vain attempted to obtain redress from the British Government, the Baron applied to the Government of France to see if he could obtain some justice; but in doing so he guarded himself against admitting that his true claim was against that Government. The answer of the French Government was that money had been paid to meet all claims including the Barons. The reports of many cases before the Privy Council showed that that high Court had proceeded upon the basis that persons situated like the Baron de Bode had valid claims under the treaties.

The next point was that after payment of all claims under the treaty there still remained a large surplus, and that surplus, he contended, was charged with a trust to satisfy the claim of the Baron de Bode. It was established upon the trial at law that there had been at a certain time a balance of £482,752 in the hands of the Government in respect of this Convention No. 7, and it appeared that with interest it had accumulated to £566,139 in 1821. What was the application of this sum? Out of the sum of £566,139, £196,000 odd was paid to persons who claimed under the Convention No. 7, and whose claims had been presented after the time prescribed for receiving claims. He did not say that so far as the law was concerned that was an illegal appropriation, but he said that in considering Baron de Bode's claim it would be hard upon him to say that the nation was not to be responsible to him because the Treasury chose to be too liberal to others. After all claims had been satisfied there still remained a sum of £200,000 not in any way to be considered due under the Convention, which ought in justice to have been appropriated to the payment of Baron de Bode. The next point which he should submit to the House was that the claimant had done nothing to disentitle him to compensation. In 1818 his claim was an incontestible right in law, and it was only in consequence of the statute of 1819, which gave to the Treasury an absolute right over the disposal of the surplus, that Baron de Bode lost his right. It was then a case for Parliamentary inquiry, with a view to compensation. The treaty was dated November 20, 1815, and the claims were to be sent in within three months. The Baron de Bode sent his claim on the 9th of February, 1816, to the Duc de Richelieu, then Prime Minister of France, the English Commissioners not having arrived at that time. The Duc de Richelieu took objection to the claim, on the ground that the claimant was not a British subject, inasmuch as he was the son of a German; but Sir Samuel Romilly's opinion having been taken, he pronounced the claimant to be a British subject, and the objection was withdrawn. It would be unjust to say that the claim was not made in due time, because it had not been made to a particular person when every possible endeavour had been made to comply with the requirements of the Convention. In the year 1818 a new Convention was executed, under which France paid an additional 60,000,000*f*., and the English Government undertook to dispose of all the claims. The Commissioners upon whom the duty of investigating the claims was imposed told Baron de Bode that unless he could prove that his property was confiscated under the decree against British subjects they could not allow it. He could not prove that, because his property was confiscated as being that of an *emigré*. [Mr. GLADSTONE: Hear, hear!] The right hon. Gentleman cheered that admission; but the decisions of the Courts went to show that that ought not to have excluded his claim. In Fanning's case, in Count de Wall's case, and in others, the property had been confiscated on the same ground, and yet the claim had been allowed by the Privy Council. In consequence of that intimation, however, the Baron did not complete the evidence as to the cession, and the Commissioners then made an award, deciding against him on both points. That award being founded upon a fact which had nothing to do with the matter at issue—namely, the property not having been confiscated under the decrees against British subjects, proof of this having been required as a *sine quâ non* by the Commissioners, was bad in law. In 1819 the Baron appealed to the Privy Council against the decision of the Commissioners, but before the case came on he received a letter from the Secretary to the Commission, stating that he must not produce any new evidence. The Privy Council heard the case so crippled, and they held that they could not over-rule the decision of the Commissioners, and that in fact there was not evidence before them which would establish the validity of the cession. He then attempted to obtain a rehearing of his case; but was told that as the decision had been confirmed by the Sovereign it was too late to reopen the matter. The next step he took was to appeal to the Court of France, whose answer was that they had already made compensation for the claim. These details were necessary to show that the Baron de Bode had not slept on his rights, as some alleged, but had urged his claims whenever opportunity offered upon the consideration of the country. The treaty was in 1815, the award was in 1822, the appeal to the Privy Council in 1823, and in 1826 the rehearing was refused. In 1828, Lord Derby, then Mr. Stanley, who had always taken a very warm interest in the case, brought forward a Motion similar to the present for a Select Committee, and in 1830 he made a further Motion to the same effect. In 1832 and 1833 the House was counted out when the subject was renewed, but in 1834, in a House of 170 Members, the Government agreed to the appointment of a Select Committee. The Committee sat until the end of that year, and had nearly agreed to their Report when the Session ended. They suggested that they should be reappointed in the next Session, but in the following year the Government refused to assent to the reappointment of the Committee, Lord Cranworth, then Solicitor General, alleging that the Motion was a Quixotic attempt to turn the House into a Court of Appeal. Several other Motions were ineffectually brought forward from time to time, but, finding that the House of Commons were indisposed to do him justice, in 1838 application was made by the Baron de Bode to the Court of Queen's Bench for a *mandamus* addressed to the Lords of the Treasury. The Court, however, held that a *mandamus* to the Crown to command itself would not lie, and the Baron de Bode was then advised to try a petition of right. This petition came on at first before Commissioners, and, with one exception, all the facts contained in it were found by inquisition. The Crown had afterwards traversed the inquisition, and also pleaded the Statute of Limitations. The case was tried at Bar before the whole Court of Queen's Bench and a special jury. The Crown lawyers exerted all their ingenuity during a trial of four days duration, but without success; for every fact found by the inquisition was affirmed by that special jury on the trial at Bar. The matter then came before the Queen's Bench on the points of law. It had been subsequently contended in the House of Commons that the opinion of the Court of Queen's Bench had been against the Baron de Bode on all points. But no lawyer would have argued thus, because it was clear that the Chief Justice had guarded himself against giving any opinion on the merits of the claim, and that the question had been decided by the Court on narrow technical grounds which had nothing to do with the merits of the claim. The case then came on appeal before the Exchequer Chamber, where the decision was given against the Baron on the ground that the surplus had been disposed of according to the strict interpretation of the 59 *Geo.* III., and that the Baron had, therefore, no legal claim. The House of Lords on appeal affirmed the decision of the Exchequer Chamber, but those two tribunals, like the Queen's Bench, had carefully guarded themselves from giving any opinion on the merits. The period from 1839 to 1851 had been occupied in these legal proceedings, and there was no pretence for saying the Baron during that interval had slumbered on his rights. Lord Lyndhurst had been so shocked at the hardship of the case that in 1852 he moved in the House of Lords for a Select Committee to inquire into the subject, which was granted by the Government of the Earl of Derby. Lord Brougham, Lord Truro, Lord Lyndhurst, and other Peers, were Members of the Committee, which reported every single matter both of law and fact in the Baron de Bode's favour, and expressed their opinion that the case was one of great hardship, which they recommended to the favourable consideration of their Lordships. In 1853 a Motion was made in the House of Lords with the view of acting on that Report, but it was urged that their Lordships were not the proper tribunal to act, as it was not in their province to vote the money. In 1854 Mr. Chambers, in the House of Commons, moved a Resolution affirming that the national good faith required that the just claims of the Baron de Bode should be satisfied. It was urged, however, with some reason, that the House of Commons, which held the purse strings of the nation, could not come to such a Resolution upon the Report of the Committee of another House. He now, therefore, asked the House to institute an inquiry of its own, which should satisfy its own conscience. That Motion of Mr. M. Chambers was rejected by 81 votes against 67. The Attorney General of that day said that

Lord Stowell had held the cession to have been a fraudulent one; but if hon. Members referred to the judgment of that noble Lord, he thought they would be of opinion that he had not gone that length. Lord Stowell said it appeared that the claimant had failed in proving his ownership of the property; but it was not surprising that he should have done so, because he had been stopped by the Commissioners telling him of certain requirements which he had not the means of complying with, and which were not necessary. It was a mistake to suppose that the Baron de Bode objected to the fact of other claimants having been paid. What he objected to was that his claim was left unsettled, while claims had been settled in cases in which the British Government had a right to have gone to the French Government for a settlement, and so that money bound with a trust for him had been otherwise applied. On the occasion to which he was now referring Lord Chelmsford, then Sir Frederic Thesiger, observed, that after the judicial decision of the Privy Council in the case, a *mandamus* would not lie; but even if that were so, it ought not to prevent the House of Commons from doing justice to the Baron de Bode. And in reference to that House, he appealed to hon. Members whom he saw entering the House at that stage of the debate to bear in mind that justice could not be done unless they heard all the arguments on one side and the other. That was the substance of the arguments used in the debate of 1854. He apologized for troubling the House at such length; but having, as he believed, an honest claim to defend, he felt it his duty to answer all the objections which had been raised on former occasions. It was said out of doors that the claim was so enormous that the House of Commons would never be got to entertain it. He did not believe that that was the view which the House would take; and, indeed, it was one which had been repudiated over and over again. He had no acquaintance with Baron de Bode but what he derived from this case, but he could see that that gentleman had shown a fair and earnest desire to have his claim investigated; but he did not believe that Baron de Bode would be so absurd as to suppose that because the claim, if the interest at 5 per cent were calculated, would amount to nearly a million of money, therefore the House would be bound to pay a million of money on the Report of the Committee. If a Select Committee were appointed, it would be found out that there was a very large sum unappropriated according to the law as existing before the statute of 1819, which the country had had the benefit of, and which ought to be paid to satisfy the claim of Baron de Bode. The jury on the trial at Bar had found that the value of the property confiscated was upwards of £300,000. Supposing it should be established before a Committee that Baron de Bode was entitled to some money (not, indeed, a million, unless the amount were calculated in an unreasonable way), he did not think so ill of his countrymen as to suppose that they would object to the payment of the obligation, for he believed that in that case they would, on the contrary be glad, by discharging the debt, to be relieved from the burden which they must feel on their conscience so often as they heard the case of Baron de Bode mentioned. He believed that they would gladly submit to an increase of the income tax to the extent of a third of a penny, or a half-penny, in the pound, rather than remain in the belief that an honest claim upon the nation remained unsatisfied. Again apologizing to the House for the length of time he had trespassed upon their patience, he left the case in their hands, believing it to be a just claim; asking them, however, not to decide upon it themselves, but to appoint a Committee who might investigate the accuracy of the statements which he had brought forward.

Motion made, and Question proposed,

"That a Select Committee be appointed, to consider the allegations of the Petition of the Baron de Bode, presented to this House on the 18th day of April last, and to report to this House thereon."

THE ATTORNEY GENERAL said, his hon. and learned Friend had maintained in a speech of three hours and a quarter a case which, he said, was incontrovertible. When a case, however, admitted of controversy some time must undoubtedly be granted to those who had to meet the various topics which had been urged. He was ready to admit that the hon. and learned Member had urged the claims of the Baron de Bode with much ability, but, at the same time, his advocacy had been as deficient in modesty as it was remarkable for pertinacity. ["No, no!"] Did not the hon. Member more than once declare that all that had been said in this House against the claims of the Baron de Bode was characterized by sophistry, fallacy, and a desire to mystify the House upon the question? The Motion was first raised in the House of Commons by Mr. Stanley, now the Earl of Derby, when Lord Lyndhurst was Chancellor. It was resisted by the Government, and rejected as destitute of moral justice. It was brought forward again when there was another Government, and it was again resisted. It was brought forward again when Sir Robert Peel was Premier, and was again resisted by the advice of the Lord Chancellor, Lord Lyndhurst, and the law advisers of the Crown, and was rejected. It was brought before the House of Commons in 1853 a second time, and rejected. It was finally brought before the House in 1854, and discussed at great length, and again rejected. Some of the ablest Members both of that and the other House of Parliament had given it as their opinion that no foundation existed for the claims; and yet the hon. Member declared that all the arguments employed against them were nothing more than a tissue of sophistry and mystification. How long were such claims as these to be open to discussion in that House? They were admitted to have no foundation in law, and on every appeal to Parliament a decision had been given against them. What was to be the limit in urging such claims? Was the case of the Baron de Bode to be brought forward whenever any young lawyer who had a seat in that House chose to do so? That seemed to have been the case from time to time, and he was ready to admit that he himself had been infected with erroneous impressions on the subject. He was led in 1854 to consider the question more closely, and to devote his time and attention to it; and it was in consequence of the close examination he had thus made that he was now able to state the reasons why he could not advise the Government and the House to recognize the claims urged upon them. He did so under a feeling of great responsibility. The House had a right to require from a person holding the situation he did a *bonâ fide* opinion, carefully and conscientiously formed; and he was the more inclined to do so because he felt much compassion for the present claimant, who had been brought up in the strong belief which his father entertained, that he had a rightful claim to the money now demanded. That belief was delusive, but it had been created by the opinions of the lawyers to whom the case had been entrusted. He would put before the House the leading features of the case. His hon. and learned Friend said that the late Baron de Bode was a British subject; but a fallacy lay at the bottom of that statement. It was true that in the British dominions he was a British subject, but it was equally true that as between France and this country he was not a British subject. It was a common saying, referable, probably, to the insularity of our lawyers, that a man was a British subject because he was born in England. This was not necessarily the case. Suppose an Englishman and his wife were on a visit to Paris, and that during their stay there a son was born who was brought over to England a month or two afterwards, and there brought up and educated with English tastes, ideas, and feelings, could that child be called a French subject? Would he not in after life, whenever he had occasion to do so, put forth his claim to be a British subject? The late Baron de Bode, the father of the present claimant, had, no doubt, been born in England during a short visit paid by his father and mother to England, but he had been very soon after his birth taken back to France; he had been educated in that country, and must, therefore, be regarded as having been for every political and legal purpose a French subject. That was the point which constituted the real foundation of the whole case, which must be determined in accordance, not with the principles of English, but rather of international law. Taken in that point of view, the mere accident of birth was wholly immaterial; the fact that a person was a citizen of a particular country, and performed there all the duties incidental to citizenship, stamped him with the character of being a subject of that State. When the French Revolution had broken out the French Government *de facto* had a clear right to exercise control over those who were actually the subjects of France; while, upon the other hand, there were resident in that country a number of persons who were indisputably British subjects, and who, as such, had a right to claim protection from the British Crown, to which they preserved their allegiance. The language of the treaty to which reference had been made clearly pointed to persons so situated, the words—"His Britannic Majesty's subjects"—that was to say, persons who owed allegiance to the Crown of England—being those which were employed. Now, it was clear that neither Baron Charles de Bode, the grandfather of the present claimant, nor the late Baron, was in the position of a person who came within the scope of the treaty as a person recognized as owing allegiance to the Crown of this country. The Commissioners found that the grandfather of the present claimant was one of the French *noblesse*, residing in Lower Alsace, where he had purchased a large estate, and was a great territorial proprietor. His son, the father of the present claimant, was included in the entail, and, therefore, it was to his interest to consider himself a French subject. Further, it was found that he was in the French service, and a knight of the Order of St. Louis, and in every respect a subject of France. Baron Charles, moreover, when the troubles of 1791 began, adhered to the dynasty of the King of France, and was in every sense a Royalist; but, having some property to preserve he hit upon the following device to effect his object:—His son, who, at that time, was a boy of fourteen years of age, happened accidentally to have been born in England—accidentally, inasmuch as the mother had not come over here with the view that her offspring should be a British subject—and it was hoped that that fact would entitle him here, although he had been brought up and educated in France, to call himself an Englishman. That being so the father had transferred his property to the son, in order that it might be protected against the lawful authority which the French Government *de facto* might exercise in its regard. The transfer was, however, in reality a merely colourable and delusive act; and the French Government, seeing through the device, confiscated the property as being the property of the father. He might further observe that, whether they confiscated it as the property of the father or of the son they had a right to do so. The act might have been arbitrary and unjust, but it was a legal act. It was the act of a Government existing *de facto*. First, the status of the father and of the son at the time of the confiscation was confessedly that of subjects of France. Secondly, the property confiscated was professedly French property, held by a French title, possessed by a French citizen, and the ownership of which placed the individual in a particular rank in France—namely, in that of one of the *noblesse* of the country. What, then, was the aim for which the property was confiscated? It was an act done by a French subject which France had made an offence. They both, father and son, left their country, abandoned their property, and joined the Austrian army, which was then on the point of invading France. The result was that there was a law from which a subject of France could not appeal, which was only binding on a French subject in respect of a crime which could only be committed by a French subject. The law was, as he had said, one from which the subjects of France could not appeal, and no person of common sense could have imagined, if he had not been a lawyer, that the case of Baron de Bode could be brought under our treaty with France. The English Government could never have stipulated to protect the property of French citizens, nor could they have maintained a right to compensation from the French Government for the loss of the property of French subjects. No part of the property of the Baron de Bode could be said, in the words of the treaty, to have been "unduly confiscated." It was confiscated on the authority of the Government of the country of which the owner was a subject, and the treaty, the conventions, and the Act of Parliament all proceeded upon the principle that the property for which the French Government was to give us compensation should be British property, held by persons who were at the time of the forfeiture subjects of the British Crown, and that the property so taken should be considered as unduly or illegally taken by the French Government. He was anxious to meet the merits, honesty, and truth of the case. The truth lay in this—what was meant in the treaty by the words "subjects of His Britannic Majesty?" He contended with great submission, but with as much confidence as his hon. and learned Friend had assumed, that those words meant persons who at the time of the forfeiture were *de facto* subjects of England, and were recognized in that character. It was impossible that a boy could be regarded as a British subject who, although born in England, was carried back by his parents, who were French, to France, who was brought up as a Frenchman, who held the *status* of a Frenchman, who was intended to be a Frenchman, and who never owed, or intended to owe at any future time, any allegiance to the British Crown. When a person in the position of Baron de Bode, never meaning to be a British subject, availed himself of an accidental title to call himself in England a British subject, and preferred a claim in that capacity, he did one of two things—he either imposed upon the French Government by assuming a denomination to which he was not entitled, or he tried wrongfully to appropriate to himself a share in monies dedicated for the benefit of British subjects by putting on for the purpose the character of a British subject which he did not hold at the time of the forfeiture, and which but for a pecuniary object he never for a moment would have dreamt of assuming. What was the conduct of father and son when driven from France by the Revolutionary Government? They first joined the ranks of the Austrian army as French Royalists, and the son, who was never able to speak a word of English, subsequently transferred himself to the Russian service, in which he was employed at the time of the treaty. Until the money was obtained from the Government he never, even in thought, contemplated connecting himself in any way with England, or placing himself in the position of a British subject. Again, was it possible that the property could have been held by anybody who was not a French subject? The owner of that property must have acted an important part in the political affairs of France, and could not have so acted except as a French subject. If the House came to the conclusion that these persons were French subjects, that the property was French property, that the position of the Baron and his son was one in which they owed allegiance *de facto* to the French Government, and violated that allegiance by joining the ranks of the Austrian army—then the claim must fall to the ground, for then the property had not been "unduly confiscated."

But what was the House now asked to do? It was a mere mockery to say that there was any need for further investigation. There had been investigations for more than forty years, and not a single fact remained to be ascertained. He had hitherto rested his arguments on facts collected by the zealous friends of the Baron. But there was another point to be considered. When money of this kind was stipulated for by one Government and paid by another the only title to the money was by the act of the party requiring the payment. Now the conditions of these claims were defined by the Act of 1819, by which alone the right to participate in this fund could be determined, and they knew that upon this ground the Baron de Bode had not the particle of a claim. Lord Lyndhurst said that under the treaty he could have no title to appear in a court of justice as a claimant, and they would be placed in a difficult position if they recognized a title which would not hold in a court of justice. They could not take a single step for admitting the claim unless they were prepared to repeal the Act of 1819; and could they repeal that Act for the benefit of this claimant alone? By doing so they would be opening the door to every description of claim, however extraordinary and unascertainable, being regulated by no principle of law. So that the Baron de Bode would be just as far as ever from attaining the object of his desire, for he would have to contend with a vast number of other claimants rising up on every side, and it would be utterly impossible to lay down any rule by which the relative merits of those different new claimants should hereafter be determined. They would be establishing a precedent of a most mischievous character if, having established a rule in 1819 and adhered to it for forty-two years, they were now to abrogate that rule altogether, and retrace their steps in the distribution of this property. It might probably be supposed by many hon. Gentlemen, as indeed it was by himself till he read these voluminous papers, that the French Government had recognized the claims of the Baron de Bode, and handed over a sum of money especially on account of those claims. The argument used had been to this effect:—The Baron de Bode was one of the admitted claimants—a certain sum of money was handed over to the British Government—all the other claimants had been satisfied; of necessity, therefore, what remained belonged to him. The Baron de Bode made that allegation in his petition of right. But the representation was negatived by the jury, and found to be contrary to truth and to fact. They found that the French Government never did recognize the claim at all, and never paid over any money specifically on account of this claim. He believed there was scarcely a Gentleman who had been disposed to regard the Baron de Bode's claims with favour who would not find that his disposition to do so was founded on the belief or the suspicion that a sum of money had been handed over to the British Government to answer those claims, and that the British Government had repudiated those claims, and put the money into their own pockets. There had accordingly been unblushing imputations of conduct contrary to good faith, and inconsistent with the honour of the country. He did not wish to use unkind expressions with reference to the Baron de Bode, but he must say the only thing inconsistent with good faith and honour was his putting on for the purpose of this claim the status and garment of a British subject, which he never intended to assume, never dreamt of claiming or vindicating for himself until a pecuniary interest arose. The hon. and learned Gentleman had referred to the advocacy by Lord Lyndhurst of these claims. That venerable Lord was not more distinguished by his learning than by his benevolence; but to the course which he had taken in the matter when out of office must be opposed the course that he had taken upon it when Lord Chancellor. In 1828, when the law officers of the Crown resisted that claim so strenuously, they must have acted under the authority of that noble Lord. It was resisted again in 1835 under the same authority, as also in 1843, when the petition of right was traversed, and those pleas put in to which it was not necessary further to allude. It was stated that a new fact was discovered in 1847 through a letter of M. Guizot, stating that the Duc de Richelieu had received the claim on the part of the petitioner. Why, then, was not that fact mentioned in the proceedings before the House of Lords in 1852, five years after the alleged discovery? It was known that after the Treaty of 1815, and, finally, when the allied armies were evacuating France, the French Government gave an additional sum of money to meet all such claims, and handed over to the British Government the right and duty of investigating them, as well as of laying down the rules for determining their validity. That led to the Act of Parliament of 1819, and, consequently, whether the French Government received that particular claim or not henceforth became wholly immaterial. The hon. and learned Gentleman had, with a good deal of confidence, asserted that it had been established by judicial decision that that treaty was intended to apply to persons in the position of the Baron de Bode and his son at the time it was concluded. He maintained, on the contrary, that the Privy Council had on that point repeatedly recognized principles in entire conformity with those which he was himself now stating. In one case the learned Lords declared that the treaty between France and England meant to provide an indemnity to all British subjects for losses occasioned by the immediate acts of the French Government; that, although formally and literally by the law of Great Britain the party was a British subject, yet the question was whether he was a British subject within the meaning of the treaty; that he might be a British and also a French subject; and that if he was a French subject, then no act done towards him by the Government of France could be held illegal within the intent of the treaty, and that neither the law of nations nor any treaty bound that Government to deal with its own subjects otherwise than as it thought fit. Therefore when it was said that the Baron de Bode was a British subject that was only half the truth. The question was whether he had not the character of a French subject supperadded to his character as an English subject? Then in which of those characters was his property confiscated? Undoubtedly, in that of a French subject? The decision of the the jury and the Court of Queen's Bench was that the claimant, even upon his own showing, had adduced no proof that his property was unduly confiscated. He would not trouble the House with any further remarks. He had met the case as if it had been unaffected by any judicial decision, unprejudiced by any lapse of time, and as if it had been submitted to their deliberation that night for the first time; and, on the grounds which he had stated, he must oppose the hon. and learned Gentleman's Motion.

Mr. DENMAN said, that, as no other hon. Member appeared to be desirous of addressing the House on that subject, he wished to observe that all the arguments which the Attorney General had just urged had been anticipated and demolished in his opening speech. The subject was one of all others which demanded deliberate inquiry by a proper tribunal, and he did not ask the House now to decide the case. He desired merely that a deliberate tribunal, which would hear all the arguments on one side and the other, should be appointed to investigate the case. He hoped that those hon. Gentlemen who had not heard the arguments he addressed to the House would abstain from voting, and that they would not be led away by the arguments of the Attorney General, which he confidently believed he could completely answer by merely repeating what he had already said that night, when the House was not so full as now.

Mr. MALINS said, he had with pleasure listened attentively to the three hours' speech of his hon. and learned Friend, and he commiserated his position in having addressed his arguments to some thirty Members, while the decision would rest with 150. He should have risen earlier, but was physically exhausted through having gone without his dinner till ten o'clock. The hon. and learned Attorney General had very dexterously taken advantage of the change of audience, and argued that Baron de Bode was not a British subject; but in a Report of a most distinguished Committee of the House of Lords, of which Lord Lyndhurst, the late Lord Truro, and Lord Brougham were members, it was declared that the son Clement (who was the original claimant) was a British subject within the meaning of the treaty and Convention, and was entitled in that character to claim compensation for the confiscation of his property. It was not fair that the House, which had not heard the argument, should ride off on the proposition of the Attorney General that the Baron was not a British subject. All that was asked for was an inquiry before a Select Committee, in order to ascertain whether his claim was just or not. The Government had received the money, and ought to have paid it over long ago; and he was sure that, if a just claim were shown to exist, the nation would not wish that injustice should be done, simply because the amount was large, and it might be inconvenient to the Chancellor of the Exchequer to meet it.

Viscount PALMERSTON: Remembering the privations which the hon. and learned Member has endured, and the impatience shown by the House, I shall not detain it beyond a very minutes. I cannot at all concur in the view which the hon. and learned Member has taken. He rests himself entirely on the fact that a Committee of the other House has given an opinion in favour of this claim; but, as Members of the House of Commons, we are not bound by an opinion of the other House. It is said that very few Members have heard the arguments of my hon. Colleague (Mr. Denman), and that the decision is to be taken on the statement of my hon. and learned Friend the Attorney-General; but the speech of my hon. Colleague, and the reply of the Attorney-General are elements upon which the House can come to a decision. The simple question is whether the Baron de Bode is a British subject or not; and nothing can be clearer than the argument and conclusion of the Attorney General, that it is a mere quibble—if I must use the word—to represent him as being a British subject. His father was not British, his family was not British, the property was not British. He did not reside in England, he was established in France as a Frenchman, he emigrated as a Frenchman, he took arms with the Austrian army as a Frenchman, and it was as a French subject that the penalties of confiscation were imposed on him for quitting his native country and breaking his allegiance to the French Government of the time. It is not the case of a man belonging to a British family with a British name, whose parents were born in England, but who were for the moment domiciled in France. In the cases of such persons which have been cited their property was confiscated, not because they were considered French subjects in rebellion, but because they were alien enemies belonging to a country which was at war with France. That was not the case with Baron de Bode. With all deference to the hon. and learned Member there does not appear to me to be a shadow of a ground on which you can represent Baron de Bode as a British subject, or justify his claim to this immense sum of money. It is a very plausible thing to say, "Let us have a Committee of Inquiry," but there seems to me nothing for a Committee to inquire into. This House, in the arguments which have been addressed to it, has abundant elements to enable it to come to a decision. No one can say that any ground has been shown for taking a step which can have no meaning, unless it be a foundation for an application to this House for a large sum of money for compensating a Frenchman for the confiscation of French property by the act of the French Government, on French grounds alone. Then, look at what has been stated showing the fraud by which this transaction was originally tainted. The father, who was not an Englishman, made over his property to his son, then a minor, for the mere purpose of evading the confiscation which he saw was likely to come upon him. The House knew the whole question upon which they had to decide, and must foresee the consequences which might result from affirming the Motion.

Sir GEORGE BOWYER said, that he would not detain the House more than a few minutes while he replied to the arguments adduced by the noble Lord in opposition to the claim. The case really lay in a nutshell, and the opposition to the claim rested on three grounds—1st., that the Baron de Bode was not a natural born British subject within the meaning of the treaty; 2nd., that the confiscation was not within the meaning of the treaty; and 3rd., that the property was fraudulently made over by the father to the son for the purpose of making a claim as a British subject. As to the question of nationality, the late Sir Samuel Romilly, the great ornament of the party opposite, said—

> "I think it is clear that the Baron de Bode is a natural-born subject of Great Britain, and entitled to the same rights and privileges as any other natural-born subject, and that he has not, and cannot by any act which he can do, throw off his allegiance to the King of Great Britain, because *nemo potest exuere patriam.* The condition and rights of the Baron de Bode are exactly the same as those of a natural-born subject, the son of an English father and mother."

He disputed the authority of the Attorney General if he denied that a natural-born subject of a country was, according to international law, the subject of that country all the world over. There was no distinction between nationality according to municipal and international law, and if the Boron de Bode was a British subject according to the law of England he was a British subject within the meaning of the treaty. As to the confiscation, Lord Lyndhurst had said, "Most of the instances in which compensation had been awarded are cases in which the confiscation has been solely on account of emigration." He was sorry that the noble Lord had used the word "fraudulently," because it appeared to throw a slur on the personal honour of a gentleman who was entitled to every respect. The Court of Chancery dealt rather severely with cases in which fraud was charged and not proved, and he asked the House to consider the case favourably, because fraud had been charged and was certainly not proved. As to the conveyance, the son had a vested estate in the lifetime of his father, and the conveyance of the father, whether good or not, could make no difference. The noble Lord had said that they need not follow the decision of a Committee of the House of Lords. That was a topic which was sure to elicit a cheer from those hon. Members who liked to have a fling at the House of Lords. But the House was bound to give the greatest weight to the decision of a Committee of the House of Lords, composed of those who held high judicial offices, on a question of law like this; and such a Committee had pronounced in favour of the Baron de Bode. Under such circumstances he was sure the House would not allow the weight of the Government to tell against truth and justice.

THE CHANCELLOR OF THE EXCHEQUER said, he only rose for the purpose of pointing out the double inconvenience in which they were involved. It was unfortunate, after the Mover of the Motion had replied to the only speech that had been made in opposition to it, that hon. Gentlemen friendly to the Motion should, contrary to usage, address the House. It was contrary to usage in the second place, that a Member—as the hon. Member for Dundalk had done—should come down to answer a speech which he had not heard, and, at a late hour, after having been, no doubt, more agreeably engaged elsewhere, make a solemn appeal in the name of justice. The hon. and learned Member said that the Baron de Bode was a British subject. Now that was never denied. The Baron was a British subject for certain purposes, but he was not a British subject as between England and France, and the whole question turned upon the latter point. That view was supported by the judgment of the Privy Council in the case of Drummond, when it was stated that he might be a subject both of Britain and France, and that if he were the latter, no act done towards him by the Government of France could be deemed illegal within the meaning of the treaty. He was informed on good authority that the Baron de Bode was not entitled to a reversion of the estate, and that the sole representative of the property in it was his father. The Privy Council, presided over by Lord Stowell, had heard the claims of the Baron de Bode, and decided against it. Lord Stowell, in giving judgment, said, that after full consideration it appeared that the complaint had completely failed in regard to the ownership of the property, that it had been a contrivance originating in the mind of the father to elude the French Government, which had proved ineffectual, and that, therefore, although it might be hard for the unfortunate nobleman, the Lords were bound to confirm the award of the Commissioners. His hon. and learned Friend had brought down upon the House the authority of Lord Lyndhurst and Lord Brougham. But the authority of such men as Lord Lyndhurst and Lord Brougham was greater in their capacity as the responsible Ministers of the Government than as private individuals; and for the last thirty years the law officers of the Crown had to a man refused to entertain the claim now before the House. They were asked to appoint a Committee. It would be cruel to the gentleman himself to appoint a Committee, to keep alive a claim of that description, and cause him to transmit to his children that which he had unfortunately received from his father as an inheritance, the prosecution of a claim of the kind. He wanted, moreover, to know how the Report of a Select Committee could justify an Executive Government in acting against the opinion of all the law advisers of the Crown for the last thirty years? Again, if a committee reported in favour of his claim, it would lead to infinite complications, and would be tantamount to an invitation to all the world who had similar claims to have them retried. On these grounds he trusted that the House would not assent to the Motion.

Mr. BAILLIE COCHRANE said, he wished to ask the Chancellor of the Exchequer whether it was true that he held in his hands the balance of a sum of money paid by the French Indemity Fund, which was applicable to the satisfaction of the claim of the Baron de Bode?

The CHANCELLOR of the EXCHEQUER said, it was not true.

Question put,

The House *divided*:—Ayes 134; Noes 112: Majority 22.

House adjourned at
One o'clock.

HOUSE OF COMMONS,

Wednesday, June 5, 1861.

Minutes.] Public Bills.—1° Industrial Schools (Scotland).
2° Friendly and Assurance Societies; White Herring Fishery (Scotland); Dwellings for Working Classes; Criminal Proceedings Oath Relief.

COUNTY VOTERS (SCOTLAND) BILL.

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. MURE objected to the Bill that it required claimants for the suffrage to take the initiative instead of adopting the system now adopted in the boroughs which gave universal satisfaction, where a public officer made up the list of claimants leaving it to any person whose name was omitted to send in his claim. According to this Bill the applicant must in every case send in his own claim, and the assessor's roll was only to be made up after the parties had sent in their claims. He begged to move that it be an Instruction to the Committee on the County Voters (Scotland) Bill to make the rules and regulations contained therein conformable with those of the Act 19 & 20 *Vict.* c. 58, in so far as they are applicable to counties.

Mr. SPEAKER said, it would be competent to the Committee to do that which the hon. and learned Gentleman desired to do without an Instruction, and that being so it was contrary to rule that any formal Instruction should be moved. Besides this, the Resolution should have been moved before the Motion that the Speaker do leave the chair, because it was now an Amendment upon the Motion, and would thus, if successful, supersede the very Committee which it was the purpose of the hon. and learned Gentleman to instruct.

Mr. BLACKBURN thought they ought not to take the Committee on this Bill that day. The Bill as it stood was very imperfect, and many of its provisions would require to be materially altered. There was a separate paper before the House, which was not printed with the Votes, which contained sixty Amendments to be proposed in Committee by the right hon. Gentleman himself who had charge of this Bill (Sir Edward Colebrooke). He thought it would be more convenient to the House if the hon. Gentleman would agree to commit the Bill *pro formâ*, to have it reprinted with the Amendments he intended to move, and then to take the Committee on the Bill on another day. With that view he moved that the House resolve itself into Committee on that day week.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'this House will, upon Wednesday next, resolve itself into the said Committee,'"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Sir EDWARD COLEBROOKE said, he could not help thinking that the most convenient course to take would be to allow the House to go into Committee on the Bill. Hon. Members on both sides of the House were generally agreed as to the principle of the measure. Most of the Amendments which he had to move referred chiefly to matters of detail, and were simply intended for carrying out the suggestions that had been made to him for assimilating the county with the borough registration. He was willing to leave the case in the hands of the House. His object was to conciliate, and if the House thought it better only to go into Committee *pro formâ* he should be glad to meet their wishes.

MR. ROEBUCK characterized the Bill as an alteration of the Constitution of the country, and said that the Lord Advocate ought to make that alteration on his own responsibility, if it were to be made at all. Things of this kind were becoming rather frequent in the present day on the part of private Members; but it was a proceeding which the House ought not to permit. Wednesday was rapidly becoming the most pestilent day of the week. From day to day, and almost from hour to hour, the House was making alterations in the Constitution of this country. A sort of higgledy-piggledy mode of doing business was being introduced by private Members interfering in matters which properly belonged to the Government, and the House should set its face against such proceedings. What were they to say to a Bill like the present, to which its own promoter had appended sixty Amendments before the Bill had got into Committee? It was plain that its Mover was not fit to make such a law, and that it was the business of the Lord Advocate to do so.

THE LORD ADVOCATE was sure the representatives of Scotland would be very glad if the hon. and learned Member for Sheffield (Mr. Roebuck) would give them the benefit of his assistance. But he must say that he did not think the views expressed by the hon. and learned Gentleman were sound, or in accordance with the usages of the House. The hon. and learned Gentleman said that no alterations of the Constitution of the country should be proposed except by the Government. He (the Lord Advocate) entirely denied that that was sound. It was the privilege of every hon. Member to make proposals for any alterations he pleased; and he thought his hon. Friend (Sir Edward Colebrooke) was more particularly entitled to bring this proposition forward, from the fact that he had done so some years before. The Bill was of great importance, and would effect a very useful reform, and he saw no reason why it should not be proceeded with now when they had the whole day before them. As for the number of Amendments they were mostly simply changing September to August in the various clauses, and they could easily be taken as the clauses were put.

SIR JAMES FERGUSSON agreed with the hon. and learned Member for Sheffield (Mr. Roebuck) that a measure of this kind ought to be brought in by Government. He thought the proposal to assimilate the registration of counties to that of boroughs was a great change, and of very questionable advantage. He objected to the compelling persons to be on the register. There were frequently parties who did not wish to be mixed up with party politics, and did not wish to be subjected to the annoyance of being canvassed and solicited for their votes at elections. He should support the proposal to adjourn the question for a week.

MR. DUNLOP hoped that the measure would have general support. He reminded the hon. Baronet (Sir James Fergusson) that, by Clause 13 of the Bill, any person might have his name taken off the register by sending a written note to the assessor. The greater number of the Amendments were merely formal; still he would not object to a postponement, if it were understood that every assistance should be given to pass the Bill.

MR. LOCKE said, it was within his recollection that several important measures proposing alterations of the Constitution had been brought in by independent Members. He might refer to the Bill for the admission of the Jews, the Bill which did away with the property qualification, and the Bill for the Ballot. Those were very great and important changes, and yet they were introduced by private Members. He really thought the recommendation of the Lord Advocate should be adopted, because a vast number of the proposed alterations were of a very trifling description.

MR. MURE allowed that many of the Amendments were very great improvements, but it would be much more convenient to discuss the Bill with these Amendments printed in it. That course would have to be adopted sooner or later, and it would be more expeditious to do it at once.

After some observation from Mr. CAIRD, Major CUMMING BRUCE, and Mr. LESLIE,

MR. BLACKBURN said, he would withdraw his proposition for adjournment of the debate for a week.

Amendment, by leave, *withdrawn*.

Original Question again proposed.

THE LORD ADVOCATE moved the adjournment of the debate till Friday, with the understanding that the House should go into Committee on the Bill *pro formâ*.

Motion *agreed to*.

Debate *adjourned* till *Friday*.

CRIMINAL PROCEEDINGS OATH RELIEF BILL.

SECOND READING.

Order for Second Reading read.

MR. LOCKE, in moving the second reading of this Bill, said that its object was to allow persons who might have a scruple as to taking an Oath, with the leave of the Judge, to make an Affirmation instead. That was the whole of the Bill; and it was confined to criminal cases, because the law in civil cases was precisely the same as he wished to make it in criminal. By the Common Law Procedure Act, 17 & 18 *Vict.*, if any person was unwilling from alleged conscientious motives to take an oath, the Judge, if satisfied of the sincerity of such declaration, might permit him to make an affirmation. That alteration of the law was made after the greatest consideration on the part of the framers of the Bill, and with the sanction of the law officers of the Crown, and of all the Judges of the land. The form of affirmation was transferred from the Common Law Procedure Act to the present Bill, and was as follows:—

> "I, A. B., do solemnly, sincerely, and truly affirm and declare that the taking of any oath is, according to my religious belief, unlawful; and I do solemnly, sincerely, and truly affirm and declare, &c."

By the present state of the law a Quaker, Moravian, or Separatist, was allowed to make an affirmation, both in civil and criminal cases; but as there were many persons not belonging to those denominations, who, on religious grounds, entertained objections to the taking of oaths, he thought it was only right that the same relief should be extended to them. The Bill contained three clauses. The first he had explained, the second made the punishment for making a false affirmation the same as for taking a false oath, and the third simply stated when the Bill was to come into operation. The Bill was entirely different in its object and character from that which had been introduced in the course of the Session by the hon. Member for Tavistock, and he hoped the House would consent to read it a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. SOTHERON ESTCOURT said, as the hon. and learned Member for Wexford (Mr. McMahon), who had given notice of an Amendment to reject the Bill, and as the law advisers of the Crown and the Home Secretary were not present, he thought they were hardly in a condition to discuss the Bill at present, and he, therefore, moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."

MR. CONINGHAM said, he understood that the law officers of the Crown had been consulted and were favourable to the Bill, and he, therefore, regretted the right hon. Gentleman should oppose it.

MR. LOCKE said, that the right hon. Gentleman (Mr. Sotheron Estcourt) had read the Bill and had no objection to it himself, but was only waiting to see if any one else had. He had, in point of fact, already introduced this Bill in the early part of the Session, and read it a second time, with the title of the "Common Law Procedure Act (1854) Extension." The Solicitor General had approved of the principle of that Bill but had objected to the form in which it was drawn, namely, by way of recital instead of direct enactment. He (Mr. Locke) had redrawn the Bill to meet that objection and submitted it to the Solicitor General for his approval before it was printed. He thought it very hard that he should be compelled to postpone the Bill after all the trouble he had been at for the last six weeks in getting a day to bring it forward.

SIR GEORGE LEWIS said, the object of this Bill was to assimilate the law with regard to the affirmation of witnesses in criminal proceedings with that now existing with regard to civil proceedings. He believed that the Quakers and Moravians had the benefit of a special enactment, allowing them to make an affirmation instead of an oath; but persons who did not come under those denominations, though they might have a conscientious objection to taking an oath, were obliged to take it, or their evidence was rejected. He did not think that any great danger was likely to arise from extending the law to criminal proceedings, as regarded that very limited class of persons. He had had some communication with the Solicitor General, and the remark he made was that the law had hitherto shown great jealousy as to substituting affirmations for oaths in criminal cases; but he did not understand him to say that he entertained any decided objection to this Bill, though he expressed some doubts as to its policy. Under these circumstances perhaps the right hon. Gentleman might be inclined to withdraw his Amendment, and allow the Bill to be read a second time, on the understanding that the Solicitor General would be present when the Order was taken that the House go into Committee on the Bill.

MR. SPOONER said, his right hon. Friend (Mr. Estcourt) did not object to the Bill, nor did he; but he objected to the Bill being taken in the absence of the law advisers of the Crown and of the Home Secretary, who at that time was not in the House.

MR. HENNESSY said, he intended to divide the House against the second reading of the Bill. The effect of this Bill and that of the hon. Member for Tavistock was the same, and both would take from the proceedings in our Courts the sanction of religion.

MR. SOTHERON ESTCOURT said, he would withdraw his Amendment.

Motion, by leave, *withdrawn.*

Original Question again proposed.

MR. HENNESSY thereupon moved that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

SIR GEORGE LEWIS said, the Bill merely extended to criminal cases the principle already followed in civil actions. It could not, therefore, be said to ignore the religious sanction of an oath.

MR. ROEBUCK could not see why, if exceptions were made in favour of the conscientious scruples of persons wearing peculiar garments, such as the Quakers, others who did not belong to distinctive denominations, but equally objected to take an oath, should not be as unfettered in their action.

MR. LONGFIELD said, there was a great difference between relaxing a rule in favour of a body of persons belonging to well-known and defined sects, one of whose fixed principles it was not to take an oath, and in favour of any person whatever who might choose to say, perhaps for the first time, that he had an objection to swear to the truth of his statements. It appeared to him perfectly reasonable to establish a distinction in that case between criminal and civil proceedings, for the life of a human being was a matter of far more importance than any mere question of property. The criminal law of the country was in general well administered, but there were not as many opportunities of correcting mistakes as in civil proceedings, and it was consequently most desirable that any safeguard at present existing should not be removed.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 65; Noes 31: Majority 34.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Wednesday* next.

TRAMWAYS (IRELAND) ACT AMENDMENT BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clauses 3 to 6 were *agreed to.*

Clause 7 *struck out.*

Clause 8 *agreed to.*

Clause 9 (Bond may be substituted for Deposit),

COLONEL DUNNE moved to leave out the words "Order in Council," and insert "presentment." He strongly objected to the system of centralization proposed by this measure.

MR. BUTT said, that his hon. and gallant Friend's proposition would involve a recasting of the whole scheme of the Bill. He appealed to his hon. and gallant Friend to withdraw his Amendment.

Clause *struck out.*

Clause 10 *agreed to.*

MR. BEAMISH moved the following proviso:—

> "Provided always that it shall not be competent to make application for a tramway or tramways under the provisions of this or the said recited Act, to unite places between which a railway or railways directly connecting the same, shall have been constructed under the authority of Parliament, or between which statutory powers for the same purpose shall have been granted, and be in force."

MR. VINCENT SCULLY objected to the proviso. It would give an unfair monopoly to railways, and would impose an undue restriction on the construction of tramways. The proviso amounted to a proposition to refer the legislation in regard to tramways to persons who were interested in maintaining railways and suppressing tramways.

MR. CARDWELL said, that the proviso was to be found, with a slight alteration, in the Act of last year. The main object of these tramways was to connect railway stations, and they were confined to horse-power. The proviso was not thought of at first; but afterwards an appeal was made by the railway interest to the promoters of the Bill, pointing out that it might possibly be in the power of the constructors of tramways to unite places by these means to the injury of the railway interest, without having recourse to an Act of Parliament. The present proviso, if he understood right, was intended only as a slight extension and explanation of the clause to the same effect which was passed last Session.

LORD NAAS said, he had not been aware until that moment that a clause resembling the one then under the consideration of the Committee had been passed last Session. He could not approve of the clause in the former Bill, and he was still more strongly opposed to the present clause, which would be one of a still more restrictive character.

Proviso, by leave, *withdrawn.*

MR. BUTT then moved the insertion of a clause, giving any person entitled to appear on the inquiry before the grand jury, in the event of their approval of the undertaking, the right to traverse that approval.

Clause *agreed to.*

House *resumed.*

Bill *reported*, as amended, to be considered on *Monday* next, and to be *printed.* [Bill 160.]

SUPPLY—COMMITTEE.

Order for Committee (Supply) read;

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

THE GALWAY CONTRACT—CONDUCT OF THE IRISH MEMBERS.

COLONEL FRENCH: Sir, I am sorry to observe that such high authorities as *The Times* newspaper and a noble Lord who has filled the highest legal office in this country, are both of opinion that further explanation is required to vindicate the honour and gentlemanly feeling of the representatives of Ireland on a recent occasion. When the charge in question was made by my noble Friend the Secretary of State for Foreign Affairs, I felt it incumbent on me, as early as possible, to declare that it was totally destitute of foundation. The statement of my noble Friend the Foreign Secretary was that, at a moment when an important Motion was pending in this House, the Irish Members had sought an interview with my noble Friend at the head of the Government, with the view—which they must have been madmen to entertain—of intimidating him. When I gave a denial to that statement, the noble Viscount took upon himself to make a reply, which was certainly very amusing, but by no means satisfactory to the honour of those Gentlemen whose conduct had been impugned. My noble Friend, however, admitted that the Rev. Mr. Daly had never asserted to him that he was authorized to request an interview, or to speak in any manner on the part of the representatives of Ireland; and, further, that he himself did not believe Mr. Daly to have received any authority from the Irish Members to make any communication.

VISCOUNT PALMERSTON: No; I did not express any belief either one way or the other.

COLONEL FRENCH: I understood my noble Friend to state that Mr. Daly told him he had no authority to speak for the Irish Members. Notwithstanding that reply, I suppose we must infer from the remark which my noble Friend has just made that he had a suspicion that the Irish Members had given Mr. Daly authority for what he said. I have stated positively, on my honour, that every Irish Member I was able to see declared the charge to be utterly groundless; and it is not very complimentary to us that my noble Friend should still seem to harbour a suspicion that it was our desire to have had an interview with him on the subject. I put it to the House whether my noble Friend—unless he placed implicit belief in the statement, which I do not think he will venture to assert—was justified in commissioning my noble Friend the Foreign Secretary to make a charge implicating the honour and gentlemanly character of a certain portion of the Irish Members. I should be sorry to say that it was for the purpose of influencing votes on another question that my noble Friend desired that charge to be made. It is perfectly certain that it materially influenced the decision of a number of Members, especially on the Opposition side of the House, who, with the independent spirit of English gentlemen, would not in any way assist an attempt to coerce the Prime Minister by intimidation. Under these circumstances sixteen Members, who, had they voted, would have been more than sufficient to turn the division against the Government, and who were opposed to the repeal of the paper duty, left the House. If we had retorted upon the noble Lord the rumours which are going about that communications have passed between the Government and a number of Scottish and English Members who represent certain steamship interests, we should, to a certainty, have received from the noble Viscount not only an indignant repudiation of any such negotiations, but a severe censure for bringing forward a charge affecting the honour of the Government. And let me tell my noble Friend that the honour of the Irish Members is as dear to them as that of the Government can be to himself and his colleagues. On the part of the Irish Members I again declare that there is not the shadow of a foundation for the statement that they desired an interview with the noble Viscount on this question. I believe, from the communications I have had with them, that no one could so far forget his own character and position as to ask for an interview with my noble Friend under such circumstances. Indeed, such, I believe, is the opinion we all entertain of the noble Lord that we could not anticipate from his independent spirit anything but a refusal to such a request. We certainly never even dreamed of asking him to do anything of the sort. Yet we see in some of the public journals a daily renewal of the accusation, and an assertion that it has been proved to the satisfaction of a great majority of the public. In "another place," also, it has been asserted that we have yet to clear ourselves from the charge. The Rev. Mr. Daly has, in the most distinct manner, both publicly and privately, denied that he pretended to the noble Viscount to have any authority from the Irish Members; and that the noble Lord must be much mistaken in his impression in that respect.

VISCOUNT PALMERSTON: Sir, I am sure that every one will do justice to the motives and feelings which have induced my hon. and gallant Friend to make the statement he has just made; which, indeed, I think was rendered unnecessary by the disclaimer of my hon. Friend the Member for Waterford (Mr. Esmonde), who on a former evening declared, on behalf of the Irish Members, that they gave no authority to Mr. Daly to submit to me any proposal or suggestion on their behalf. I am sure that every one will accept in the most unreserved manner the statements of my hon. and gallant Friend, and of my hon. Friend the Member for Waterford; but in regard to what passed in the interview between Mr. Daly and myself, I abide entirely by what I said on a former evening. My noble Friend the Secretary for Foreign Affairs expressed the inference which he drew from the communication in writing which I made to him almost immediately after the interview with Mr. Daly had taken place; and I am bound to say that a similar impression was produced upon my mind at the time—because when Mr. Daly told me that the Irish Members should take some action in the matter, and that it was important they should know on Monday morning what was the decision of the Government in reference to the Galway Packet contract, in order that they might determine what course they were to take in the evening, I had no reason to suppose that he was not authorized to represent those on whose behalf he spoke. It is now quite clear he was not so authorized, and that with that zeal which has distinguished him upon other occasions he constituted himself as an authority for those for whom he was in no way empowered to appear. As to any further attempt to exculpate the Irish Members I believe that it is wholly unnecessary after the statement of my hon. and gallant Friend. I am sure that every Member of the House will unhesitatingly accept the assertion of my hon. and gallant Friend; and, therefore, whatever blame may arise from any misunderstanding upon this subject must rest entirely with Mr. Daly, who, it seems, in his zeal for a cause in which it is only natural that he should be very zealous, gave me to understand that which, in point of fact, he was not authorized to convey. When I stated a few minutes since that I had no belief one way or the other, I was not in any way referring to my present conviction. I was merely setting my hon. and gallant Friend right as to what I believed at the moment when Mr. Daly had been in communication with me; and, as far as I had any belief at all at that time, I inferred that he was authorized to speak in the name of the Irish

Members; but I now find that I have no ground for drawing any such conclusion after the statement which has just been made by my hon. and gallant Friend.

LORD NAAS said, he thought the statement now made by the noble Lord must be perfectly satisfactory to all the Gentlemen who are specially interested in the question, and whose conduct had been impugned. He must, however, express his regret that an explanation such as had been now given was not made earlier; and that at the interview between the noble Lord and Mr. Daly it did not occur to the noble Lord to ask the rev. gentleman on whose authority he had come, and whether he had any commission from any Member of this House to make a communication on the subject? He (Lord Naas) thought that would have been a very natural question for the noble Lord to put to a gentleman coming upon so important a mission, and it would naturally have tended to prevent those unpleasant remarks which had been made in that and in the other House of Parliament, as well as in the public press. He could not help further stating that he believed the impression which had prevailed upon that subject had materially affected a recent important division, and that many Members had been influenced upon that occasion by the connection which they supposed to exist between the Galway contract and the particular question at issue. But after the declaration of the noble Lord that matter might be taken to be wholly at an end. He regretted that so much undue prominence had been given to it, and that language had been used by very eminent individuals tending to corroborate the views which had been expressed in the public press. Without wishing to anticipate the discussion which must take place in reference to the Galway contract, he wished to take that opportunity of giving a very decided contradiction to some statements he found published that morning in one of the leading journals. Those statements reflected to a very considerable extent on his personal character, and on the character of many Members of that and of the other House of Parliament who were his colleagues when that transaction took place. It was stated that the Galway contract had been given because a general election was at the time impending. That statement had been made over and over again, and had over and over again been refuted. A Select Committee had inquired into the whole of that subject; the doors of that Committee were open for many months to any person who desired to give evidence before it; and yet the Committee was never told that an election was imminent at the period when the contract was granted. So far was it from being the truth that the contract was given with a view to a general election, that the document which finally closed the contract was signed by the Treasury on the 2nd of February, and the general election did not take place until the end of April. The two events could not have had any connection, for the Reform Bill, which led to the general election, had not been introduced at the time when the contract was signed; and no one could then have imagined that a general election would have taken place at so early a period. Again, it was said that this was an electioneering contract, and that the chairman of the Galway Packet Company had entered Parliament as a supporter of the Government of Lord Derby. But a more unfounded statement was never made. He had no doubt that the person thus referred to was the hon. Member for Galway (Mr. Lever). But it so happened that that hon. Member had never been the chairman of the Company. The first chairman and the first vice-chairman of the Company were both at present Members of that House, but neither of them had ever been a supporter of Lord Derby's Government. The chairman was the hon. Member for Marylebone (Mr. H. Lewis) and the vice chairman was a noble Lord (Lord Bury), who sat on the Treasury Bench, who held an office in Her Majesty's Household. I have also seen it stated that justice to Ireland did not require that the country should expend £72,000 a year for work which was not performed. But the terms of the contract expressly provided that no money should be paid until the contract was fulfilled, and it was impossible that a single shilling should be paid for services that were not actually rendered. He did not wish to anticipate the discussion which was to take place upon the Galway contract, but he had thought it right to take the very earliest opportunity of giving the fullest contradiction to these calumnies which had been often and often repeated and often and often confuted. Their confutation might not be as fresh in the recollection of the public as was the constant repetition of them; but wherever they were met they would necessarily be confuted, and he had only to add that he believed their perpetual repetition could only serve to throw discredit on their authors.

COLONEL DUNNE said, he should not attempt to defend himself against the imputations made in the House and in some of the English papers, which had been made, because, independently of the Galway Packet Contract, no one would doubt that he should have voted against the abolition of the paper duty. But he protested against the assertion which was made by some portion of the press and by some Members of the House, that Irish Members were actuated by other motives than those which actuated English Gentlemen. It was said by an hon. Member who had spoken in this debate, that sixteen hon. Gentlemen had left the House before the division on the paper duty, because they suspected that force was being used by the Irish Members to induce the Government to reconsider the Galway contract. Now, after the statement that had just been made, he recommended those hon. Gentlemen to look for the future after their own honour, and to leave to the Irish Members to do the same duty to themselves. He thought they had quite enough to do to defend their own conduct without imputing misconduct to other people. It was the same with the press. The leading journal stated that seventy-five Irish Members voted against the Government for the sake of £72,000. Now the number was sixty-nine, and the assertion as to the influence under which they voted was untrue, for of the seventy-one who had voted, sixty-nine had voted in precisely the same way on the first division before the question of the Galway contract had been raised at all, and the others had not voted at all in the first division. An insinuation of corruption in this contract had been levelled against Lord Derby and Lord Eglinton. He was private secretary to Lord Eglinton at the time. He saw the communications which passed between Lord Derby and Lord Eglinton, and he could undertake to state that they proved that no contract was ever made with more caution. All the friends of Ireland pressed the Government to do something to assist direct communication between Ireland and America. They conceived that they had a right to that assistance, and that if ever there was a case for a subsidy this was it. The country was a poor one, and had not the internal resources necessary for getting up a steam-packet company. It was said, why was not the service thrown open to competition? The

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point was not overlooked by the Government of the day; but the answer was obvious that if they attempted open competition there would be no company at all—that the contract would be taken in England for the purpose of preventing it being carried out. It was impossible to have competing companies in Ireland, because they had not the wealth; and if an English company were admitted to tender, the contract would be taken for the purpose of not performing the service proposed; and thus by non-performance, preventing the establishment of any Irish packet station, which would be the real object of such a tender. He assured the noble Lord that if Ireland had a right to have direct communication with America, it could never be accomplished by any other means than by making a bargain without competition, either with a new company, or with this company resuscitated. The reason there was such a strong feeling in Ireland towards this company was scarcely understood in this House, but he would tell them that this was not a company in the ordinary sense of the term, or rather was not formed in the way in which companies were formed in this country. There were few large capitalists in Ireland, and in England capitalists would not subscribe to it. But the sympathy of Ireland being enlisted in favour of the company, people of small means invested small sums in the undertaking. Their feelings were now roused by the consciousness that if the contract did not go on they would lose their money. From the moment the present Government came into office, the Galway contract was used for the purpose of attacking Lord Derby, and they determined in one way or other, *per fas et nefas*, to break it. They began by the Chancellor of the Exchequer attacking it, and the Government granting a Committee to impeach its validity, and thus by their own acts they made it impossible for the company to perform the conditions into which they had entered. He did not impeach the conduct of the Postmaster General. There had been, no doubt, breaches of contract, but those breaches were caused by the acts of the present Government. When the Chancellor of the Exchequer held the subsidy in doubt for sixteen months was it any wonder that the company had failed in their engagements? Could any one suppose that a capitalist would subscribe to a speculation which depended on the decision of a Committee of the

House of Commons moved by a hostile Ministry? As to the accusation of corruption made against the Irish Members, he despised it. As to Mr. Daly, he had done a great deal for Galway; but to say that he had any authority to go in the name of the Irish Members and make a bargain for them was too contemptible to notice. He then thought it possible that Mr. Daly, totally regardless and thoughtless of the impending division, went to procure an interview for some Irish Members. Whether he thought that the juncture would have any effect he could not tell, but at least this was certain, no one gave him any authority to speak in the name of the Irish Members. He protested against it being supposed that Irish Members acted differently from English Members; and as to the sixteen Members who were so chary of the honour of the Irish Members, as he had said before, they had quite enough to do to look after their own.

Mr. GREGORY: I do not intend to make any observations whatever on the Galway contract—that is a matter which had better be discussed when we can enter into it more fully. But as my noble Friend the Member for Galway (Lord Dunkellin) is not in his place, and as I took a prominent part in the transactions which have called forth all these explanations, I wish to say a few words on the subject of the meeting which was called of Irish Members. There have been two charges thrown out—first, that we endeavoured to tamper with the Prime Minister, and by means of a threat to extort a promise from him; and secondly, that we endeavoured to make terms with the Opposition. As to the last, I utterly deny that there is a shadow of a foundation for it. My noble Friend opposite is aware that we never, either directly or indirectly, held the slightest communication with Gentlemen on the other side of the House. As to the endeavour by means of threats to extort concessions from the Minister, I give that an equally emphatic contradiction. If the subject was ever mentioned at that meeting it was solely for the purpose of repudiating such a course, not merely as derogatory to our own honour, but as the most unwise course which could be pursued to obtain the end in view. So chary were we at the meeting of taking any step which could give occasion for such an imputation that we determined not to go as a deputation to the Prime Minister, although at that moment our constituents were most anxious to know how the case really stood. We determined that we would not go to the Prime Minister, lest our motives should be misconstructed. But not only that; so careful were we that in calling this meeting we only addressed those Members who usually supported Her Majesty's Government, lest any course savouring of intimidation might be suspected. Had we for a moment imagined that the Government, however great the emergency, would submit to dictation of this kind, we must have known that the indignation which would be called forth would utterly overthrow the object which we had in view. When, therefore, the noble Lord the Member for the City of London came down to the House and said "better that a hundred Ministries should be overthrown, better that a hundred dissolutions should take place, rather than any Government should submit to such dictation," I think I may say that the noble Lord's indignation was utterly thrown away, if such indignation was not entirely simulated. It was nothing more nor less than an energetic battle with phantoms invoked for the occasion and for a purpose, in which purpose, I regret to say, the Minister succeeded. Allow me to add that, if we had not been influenced by the lower incentives of prudence, I trust that we should not be so forgetful of the position in which Irish Members stand as part and parcel of the whole Legislature, as to lend ourselves to such a proceeding. I entirely approve the abstract propriety of the sentiments of the noble Lord, because I know that no course is so calculated to bring the House of Commons into contempt and disrepute as to make it possible that its decision could be influenced by concessions or subsidies on the eve of a great emergency. I have seen the working of that system in another country. I have seen it in full blow in Canada, where majorities are obtained by expenditure for local purposes, or the Government is sustained by a grant to this or that municipality; and that is one of the principal causes of the Legislature of Canada having been brought into discredit. I can only say for myself, that last Session I voted against the third reading of the Paper Duties Repeal Bill for reasons into which I am not going to enter now, and that in the present Session I refrained from voting. Although I was most anxious not to sacrifice a large amount of revenue, I was at the same time most anxious not to be instrumental in producing a Ministerial crisis. But when the Government did, in a harsh and unnecessary manner, close a contract which was not the affair of a locality, or of a company, but of a nation, I voted against that Government. I thought the vote perfectly consistent with my previous conduct, and I considered the vote which I then gave as a vote of want of confidence. I conceive that although the vote was on "paper," we had a perfect right to express our confidence or want of confidence in the Government, and that such a course was justified by Parliamentary precedents. In 1846, the majority by which Sir Robert Peel was thrown out was upon a Coercion Bill. That was the issue before the House; but the cause of Sir Robert Peel's Government being upset was not the merits of the Coercion Bill, but because he had forfeited the confidence of his followers by his conduct in regard to the Corn Laws. Again, in 1857, a vote of want of confidence, which drove the noble Viscount now at the head of the Government from office, was taken upon the question of a Conspiracy Bill. It was not any difference of opinion as to the right of the French Emperor to protection against assassination, but private piques, small ambitions, and sectional jealousies, which drove the noble Lord from office in 1857; and the vote on that occasion had as much reference to assassination as our vote had the other night to paper. When gross imputations are being cast upon Irish Members, I wish some Members would look at home. It was only yesterday that a Liverpool paper was put into my hands containing a letter addressed to the Member for Liverpool (Mr. Horsfall), in which he was appealed to to vote for the Government in spite of his position in this House as a Member of the Opposition, and he was told that the issue was not paper—the question was Liverpool or Galway. He was told that, not only was it a steam-packet question, but a question for the whole shipping interest, and that he would be called to account for any vote which might give sanction to an opposition inconsistent with the interests of the town which he claimed to represent. The appeal is put in the broadest manner—"Liverpool or Galway—Galway or Liverpool—for which will you vote?" I know the Member for Liverpool to be the last man to be influenced by any appeal against what he considered to be just and right; but I quote the Liverpool papers to show how readily in England the attempt is made to force Members of Parliament to be guided by local interests rather than by the merits of the case submitted to them. When all these stories are being told of the pressure put by Irish Members on the Government, it is fair to mention that other stories affecting Members of a sister country are afloat. There was a story about town that a deputation of Scotch Members waited on the Prime Minister, previous to the late division, to indurate the inflexibility of the noble Lord with regard to the Galway contract, and threatening him with defection should he make any concession to Irish Members. I never for one moment believed that rumour, and I only said and claim for ourselves that same charity which we extend to others.

SIR GEORGE LEWIS: I do not rise to discuss the question of the Galway contract. I think the hon. Member who last spoke has exercised a very wise discretion in abstaining from that discussion. Neither shall I make any remark for the purpose of controverting his right to express by his vote his want of confidence in Her Majesty's present Government. I rise merely because the hon. Gentleman in the course of his remarks stated that my noble Friend the Secretary of State for Foreign Affairs exhibited "simulated indignation" upon a recent occasion, and appeared rather to intimate that my noble Friend used undue means for the purpose of influencing the votes of hon. Gentlemen opposite. I wish to call attention to what took place on that occasion. Early in the evening questions had been addressed to my noble Friend at the head of the Government with respect to negotiations on the subject of the Galway contract. My noble Friend was unable to state anything more than that a communication had been recently addressed to the Postmaster General on the part of the contractors; that that communication was under consideration; and that an answer would shortly be given to it. My noble Friend did not state what answer would be given, because it was impossible for him to do so; and, therefore, he may have been understood to have left the House in uncertainty as to what answer would be given and as to whether negotiations with this company would not be opened. It must also be in the recollection of the House that a statement was made by a widely circulated newspaper on that morning, that the Government had made a bargain with the Galway Company, the details of which were mentioned and specified. I believe, myself, from what came to my knowledge, that an impression prevailed in this House most derogatory, as it seemed to me, to the honour of Members of Her Majesty's Government, that negotiations were going on with the Galway Company, and that it was sought to purchase the support of Irish Members by concession on that subject. As reports had been circulated in London to that effect, and in the House to my knowledge, after my noble Friend gave his answer to the questions, it became absolutely necessary that my noble Friend the Secretary of State should give a distinct denial to the truth of those reports. I can only speak as to my own feelings. I conceived my honour personally implicated in a distinct denial being at that moment given to what I considered most injurious reports which were then in circulation, and I confess I never heard any statement with greater pleasure than I heard the declaration of my noble Friend, which put an end to all uncertainty upon the subject. So far from the indignation being simulated or resorted to as an unfair contrivance for the purpose of influencing votes, my noble Friend took a course which he was actually forced to take by the state of belief in the House, and he did not in the smallest degree exceed the bounds which were his strict duty, and which were incumbent on him as a man of truth and honour.

MR. VINCENT SCULLY said, he had no wish to prolong this discussion, but his attention had been drawn to the statement in *The Times* newspaper, that it was incumbent on the Irish Members to clear up the matter. So strongly had he felt this imputation that it had been his intention, but for the notice of the hon. Member for Roscommon, to call the attention of the House to the matter as a breach of privilege. It was an old French proverb that *Qui s'excuse s'accuse ;* and, therefore, he felt extremely indignant that the noble Lord should have said he was glad the Irish Members had exculpated themselves.

VISCOUNT PALMERSTON : Allow me to interrupt the hon. Member, for the purpose of preventing my being misunderstood. What I said about "exculpated" was as to the Irish Members having authorized Mr. Daly to introduce a deputation.

MR. VINCENT SCULLY was happy to find the objectionable word either explained or retracted. It was said that the indignation of the noble Lord the Foreign Secretary was induced by the prevalence of certain reports. Who put those reports in circulation ? They were circulated by an organ of the Government, *The Times* newspaper, and not by the Irish Members. The purpose was to gain votes, and they did gain votes by rousing a natural feeling of indignation among English and Scotch Members. It was the Government who required to be exculpated from lending themselves to such slanders on the Irish Members. He found he had used an expression to which he ought perhaps to except, because he objected to their being called Irish Members. They were as much the representatives of the whole country as the Scotch or English Members. No one was more entirely free from these imputations than himself. He had expressed no opinion in the House, either on the paper duties or on the Galway contract. His opinion on the Galway contract was very well known out of doors. He did not think Galway the best of Irish ports, but that the contract had been useful in bringing the steamers to Cork. If one of the 105 Irish Members was liable to imputations, it was the habit to take the one black sheep as the type of the whole flock; but if the English had a black sheep they drove it out of the flock remorselessly. He thought the noble Lord might have easily ascertained whether Mr. Daly had any authority or not ; but it seems to have suited him better to remain in a state of blissful ignorance. And then, when called upon for an explanation, his conduct towards the Irish Members had been characterized by so much *finesse,* and he gave such unintelligible answers that it was necessary to put up the next in command to explain. He did not, however, intend to insinuate that any Member of the Government wrote the article in question. He was not fond of going upon deputations, but he had once accompanied a deputation to the noble Lord, as to Cork Harbour, because it was less trouble than to give an explanation to his constituents why he had absented himself; and upon that occasion he told the noble Lord he did not think any good would be derived from the deputation except the pleasure he must always feel in paying his Lordship a morning visit. The noble Lord was very facetious in his description of the interview with Father Daly. He knew less of Father Daly than either the noble Lord or the leader of the Opposition; but upon one occasion he had seen Father Daly in conversation with some hon. Members outside. One of them said, "I hear you had a very satisfactory interview with the Premier." "Yes," said Father Daly, "very satisfactory indeed, and, therefore, I ask all you Gentlemen to go at once and vote against him." "Was he civil to you?" was the next question. "Oh yes" said Father Daly, "all great men in eminent positions are civil and courteous; he was exceedingly civil, and I have nothing to complain of in that respect." Thinking to take a rise out of the poor parish priest, the Gentleman said, "Have you been to any of his Lordship's 'evenings at home?'" but Father Daly was ready with his answer—"No, Sir, I don't care for high society at all; I would just as soon sit at the board of an humble man like yourself." He himself had had an interview in the lobby—it was with a Member of the House connected with the Government, and he would not look round the House lest he should see him in his place—who said, "Surely, you will not lend yourself to this dirty work?" He replied, "I was born an Irish gentleman, as you were born an English gentleman; and I do not understand expressions of that kind being addressed to me." The Member said, "You Irish are very hot; you take in earnest what is meant in joke." He answered, "No Irish gentleman would use such expressions either in jest or in earnest."

THE O'DONOGHUE said, he had attended the meeting alluded to, firmly convinced that those who went to it would vote against the Government on the same evening. So far from thinking that course derogatory, he believed it was the one which it was their duty to take, and which was in accordance with the wish of their constituents. He put it to Irish Members whether it was not the course their constituents wished them to take, irrespective of any considerations as to tea or paper? There seemed to be an attempt made to bind Members to vote on abstract considerations without reference to any other considerations. For himself, he did not mean to be bound by such a rule, nor did he think it was one which had before been recognized and acted upon in the House. He had no doubt that his vote

on the occasion in question was influenced by the conduct of the Government on the Galway contract, and that it would, on future occasions, be equally influenced if similar circumstances arose. He trusted that some pressure would yet be brought to bear upon the Government in reference to that contract.

CAPTAINS ON THE RESERVED LIST.

RESOLUTION.

MR. BAILLIE COCHRANE, in rising to bring the claims of the Captains on the Reserved List under the notice of the House, said it was quite understood by these officers when they were placed on the Reserved (not on the Retired List) that they were to be on the same footing as officers on the Active List, in regard to rank, seniority, and the Greenwich outpensions, the difference being that they were not to expect active employment unless in case of war. It was most important that good faith should be kept with naval officers by the Admiralty. He could not do justice to the list, but the services of these captains averaged an active service of thirty-five years each. The advantage they had obtained by the minute had been 6*d.* a day. They had protested against the treatment they had received, and a certain number last year obtained an increase of pay. But so far as he could learn they would not have their flags and seniority and their Greenwich out-pensions as captains. As the hour was now so late (half-past five) he must content himself with moving the Amendment of which he had given notice.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'the Captains of the Royal Navy, who were placed on a Reserved as distinguished from a Retired List, on account of their having served long and well, in accordance with the Orders in Council, of the 25th day of June, 1851, and the 30th day of January, 1856, have great reason to complain, that the arrangement entered into with the Board of Admiralty has not been fairly carried out; and that the injustice with which these Officers have been treated is most prejudicial to the Public Service,'"—instead thereof.

ADMIRAL WALCOTT seconded the Amendment. He must do the right hon. Baronet (Sir Francis Baring) who drew the minute the justice to say he was under the impression he had excluded these officers from the advantages they now claimed, and which they believed, when they accepted the Order in Council, they were to enjoy. There was, however, an ambiguity in the Order in Council that entitled to the generous consideration of the House officers who had served their country faithfully and in posts of great responsibility during a long war.

Lord CLARENCE PAGET said, he quite concurred with the gallant Admiral in his assertion that these captains were a body of able and excellent officers many of whom had served their country with distinction. He greatly regretted the misunderstanding under which these officers laboured as to their position as officers on the reserved list; he must, however, fall back on what was done by the right hon. Baronet (Sir Francis Baring), who was First Lord of the Admiralty when the Order in Council was issued in 1851. That Order was made in the interest of a certain number of commanders who had no prospect of employment or promotion, and to whom an offer was made that they should be promoted to this reserved list. Whether these officers thought at the time they were to rise *pari passu* with officers on the active list was a matter on which he could offer no opinion. The Admiralty of that day, however, and every successive Board of Admiralty considered that it was the *bonâ fide* intention of the Admiralty that these officers should not rise *pari passu* with officers on the active list. This distinctly appeared from the rates of half-pay published in the *Navy List*. The Admiralty, however, deeming that the Order in Council was considered by these officers as rather ambiguously worded, had, by an Order in Council, last year allowed these officers to count their sea-time both as lieutenants and mates. The effect of this order had been so favourable to them that their grievance was now more imaginary than real. Very few had arrived at that point in the *Navy List* where they would be entitled to an increase of pay; so that if the majority of them were on the active list they would only be in the lowest class, and in the receipt of 10*s*. 6*d*. *per diem*. Out of ninety-nine of these officers seventy-seven were receiving an increase of pay in consequence of their services under the Order in Council of last year. [Mr. Cochrane: But they will not rise to the rank of Admiral.] That was true, but was the House prepared to increase the Admirals' list to this extent? He did not see on what principle the Admiralty could grant to officers on a reserved list—who were not liable to serve—the same position as officers on the active list. The case of these officers had been so often under the consideration of the House that it might now be considered as exhausted. Considering the boon recently granted to them he did not think these officers had any real grievance to complain of.

Major EDWARDS was sorry to hear the noble Lord state that this question was exhausted. Many of these officers had been in action, and had distinguished themselves before some of the members of the present Board of Admiralty were born. He had been assured, and had no reason to doubt the statement, that when these officers accepted a position on the reserved list they expected they were to rise to their flags. The case was one which the Admiralty ought to take into their favourable consideration, for the claim of the officers was only just and proper.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 27; Noes 19: Majority 8.

Main Question, put, and *agreed to*.

SUPPLY—NAVY ESTIMATES.

House in Committee.

Mr. Massey in the Chair.

(In the Committee.)

Question again proposed,

"That a sum, not exceeding £469,835, be granted to Her Majesty, to defray the Charge of New Works, Improvements, and Repairs in the Naval Establishments, which will come in course of payment during the year ending on the 31st day of March, 1862."

Sir FREDERIC SMITH said, he had given notice of his intention to move that the Vote be reduced by the sum of £3,225, proposed for additional accommodation for spinning machinery at Chatham; but it depended upon the explanation which the noble Lord the Secretary to the Admiralty gave on the subject whether he would persevere with the Motion.

Mr. WHITBREAD hoped the hon. and gallant Gentleman would not persist in his Motion, as the question of the enlargement of Chatham Dockyard was to be referred to a Select Committee.

Mr. HENLEY said, that the noble Lord (Lord C. Paget) stated the other night that the Vote for the extension of works at Chatham pledged the Government to an ultimate outlay of £1,000,000. A Vote of so much importance ought not, therefore, to be taken so late in the afternoon; and moreover, if the whole question was to be considered by a Committee the decision of that Committee ought not to be anticipated.

Lord CLARENCE PAGET said, that it was in the opinion of the Government very advantageous that the extensions at Chatham should be referred to a Committee upstairs; and the particular Vote to which the right hon. Gentleman referred would be conditional on the report of the Committee.

Mr. HENLEY could not see how, if the money were given hard and fast, it could be conditional on the Report of the Committee. It would be better to move for the money in a Supplementary Estimate if the Committee reported in favour of Chatham.

Mr. WHITBREAD said, that the Vote now asked was in continuation of Votes granted for several years, in order to continue the great work of the embankment of St. Mary's Island.

Mr. HENNESSY moved that the Chairman Report Progress.

Mr. HENLEY suggested that the Vote should be struck out.

Viscount PALMERSTON said, that the extension of works at Chatham would be referred to a Committee. This was a Vote entirely independent of that question.

House *resumed;* Committee report Progress: to sit again *To-morrow.*

House adjourned at Ten minutes before Six o'clock.

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HOUSE OF LORDS,

Thursday, June 6, 1861.

Minutes.] Public Bills.—2ª Railway Companies Mortgage Transfer (Scotland).
3ª Consolidated Fund (£10,000,000).

DEATH OF COUNT CAVOUR.

The Marquess of CLANRICARDE: My Lords, I wish to call attention to a subject of very great interest. I wish to ask, Whether the Foreign Office has received any intelligence from Italy, confirming the melancholy report of the death of Count Cavour? If that melancholy event has really occurred, it is a calamity not to Italy alone, but to all Europe. Count Cavour was a statesman who, whatever opinions may be entertained of his political views, occupied too important a place in the politics of Europe for his death not to be regarded as a great calamity; and those who had the honour and advantage of his personal acquaintance must feel most deeply and painfully on this event. My Lords, if this loss has fallen on Italy and the world, it is one that at the present moment is irreparable. But I am sure he has left behind him a renown for patriotism, for personal disinterestedness, and for an ambition honourably directed, that will survive till the last period in the annals of his country.

Lord WODEHOUSE: I am grieved to say, my Lords, that the report referred to by the noble Marquess of the death of Count Cavour is too true. The Foreign Office has received a despatch from Her Majesty's Minister at Turin, stating that Count Cavour died this morning at seven o'clock. My Lords, it is not for me to pass an eulogium on the character of such a statesman as Count Cavour; I have no doubt that history will do full justice to him as a statesman and a patriot. But I entirely concur with the noble Marquess in the feeling that, whatever differences of opinion there may be among your Lordships—whatever differences of opinion there may be either in or out of this House—as to the policy he pursued, there can be but one opinion that at the present moment, and at the present crisis of Italian affairs, his death must be regarded as a great calamity.

Lord BROUGHAM: My Lords, I also entirely agree with the feeling that has been expressed that, whatever differences of opinion there may be among your Lordships on certain parts of the policy and conduct of Count Cavour, yet no one can doubt he was a man of great talents, of great skill, and that he rendered great services to his own country and the Kingdom of Italy in general. We must all join in deploring his death as a most calamitous blow to that great cause to which every one wishes well.

The Earl of MALMESBURY: My Lords, having at two distinct periods, in consequence of changes in the Government of this country, had to carry an official correspondence and enter into offi-
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cial relations with Count Cavour, I should be sorry if I omitted to refer to the death of one who must be considered a very great man. I entirely agree with my noble Friend opposite that no differences of opinion as to his policy can make any difference in the feelings with which we have heard of the death of Count Cavour. I do not think those differences of opinion have been so great—they were rather differences on points of detail than on principle—as to render such a distinction of feeling on this occasion possible. Whatever they may have been, and whatever they may be hereafter, we must see, from the importance of the events pending in Italy, that the influence of the great minister and statesman who has just departed was of the most essential character. I do not look forward with such apprehension as the noble Marquess has expressed to what may be the results of the death of Count Cavour. We must hope that the Italians, having attained the point at which they have arrived, will continue to show the same resolution and the same prudence in their general conduct that they have hitherto displayed under the guidance of Count Cavour. His memory will be a beacon and an example to them which it is most important they should follow, not only for the sake of their own country, but for that of every country of Europe.

THE MARQUESS OF BATH: My Lords, while we must all regret the fact of any man being removed so suddenly and unexpectedly from this life, and while all your Lordships must deplore the death of Count Cavour as opening Italy again to fresh intrigues and fresh invasions, I am bound to say that, looking at his past history, whatever may have been the objects he had in view, the means by which he strove to obtain those objects, and their results, were certainly such as many of your Lordships cannot approve. He violated every law, human and divine.

TURCO-PERSIAN FRONTIER.

OBSERVATIONS.

VISCOUNT STRATFORD DE REDCLIFFE said, he agreed with all the noble Lords who had spoken, that whatever might be the differences of opinion as to the policy of Count Cavour, or the means he had adopted to accomplish his objects, his death must be regarded as a great calamity. On one occasion he (Lord Stratford de Redcliffe) had himself called attention to what appeared to him to furnish matter of criticism in that policy; but at the present moment he should be sorry to allow any feeling to enter his mind inconsistent with the desire to do honour and also to do justice to the memory of so great a man. But his object in rising was chiefly to put a question to the Under Secretary of State for Foreign Affairs upon a subject of great importance. The matter to which he wished to call attention had its origin about eighteen years ago, when negotiations were on foot with a view to prevent hostilities between Turkey and Persia arising out of the unsettled state of the boundary line between the two countries. England had great interests at stake, and, therefore, proffered her mediation together with that of Russia, which was, after some hesitation accepted. A Commission was sent out, and after a considerable time the matter came to a partial conclusion by the engineer officer, Captain Glascott, who was charged with carrying out the boundary line, being sent to St. Petersburg about three years ago. The reason of that officer being sent to St. Petersburg was that the Russian Government possessed considerable materials that could be useful in carrying out the object in view. He wished to know what was the present state of affairs, and whether there was any hope that in a short time the map which was in course of preparation would be completed?

LORD WODEHOUSE said, the subject had been mooted at the time he had the honour of representing Her Majesty at St. Petersburg. It was true that it had been found convenient to send an officer to that capital because of the nature of the materials in the possession of the Russian Government. A map was in course of preparation, of which he had seen a portion. That map was on an extensive scale, and there was reason to hope that the whole would be completed in the course of the present year. The officer who had been sent to St. Petersburg was even sanguine that it would be completed by August next. When the map was completed the negotiations properly so called would be removed to Constantinople, and with the map in their hands, the representatives of Russia and England, the mediating Powers, would have to consider, with the representatives of Turkey and Persia, the drawing of the boundary line between those two countries which had heretofore been the subject of disputes and difficulties.

RAILWAY COMPANIES MORTGAGE TRANSFER (SCOTLAND) BILL.

SECOND READING.

Order of the Day for the Second Reading read.

Lord KINNAIRD moved the Second Reading of this Bill, the object of which was to enable Railway Companies in Scotland to make transfers of their bonds in an easy, speedy, and economical manner; in fact, to enable them to take advantage of the present law of the land by supplying an omission that occurred in the Act itself.

Moved, That the Bill be now read 2^{a}.

Lord REDESDALE, upon public grounds—but only on public grounds—objected to the second reading of the Bill. He certainly should concur in the principle of providing an easy mode of effecting transfers of these securities; but he thought the measure, if approved of, should not apply to Scotland alone, but to the whole of the United Kingdom. He objected also that the provision regarding the transfer of railway bonds free from stamp duty on a single payment of treble stamp duty would be seriously prejudicial to the interests of the revenue. He thought that every transfer should be subject to a stamp duty. Under those circumstances he moved that the Bill be read a third time that day six months.

Amendment *moved,* to leave out ("now") and insert ("this Day Six months.")

The Duke of MONTROSE said, that he was not before aware that the noble Lord who had just spoken was Chancellor of the Exchequer in that House, or that he undertook to do the duty of that right hon. Gentleman in the House of Lords. The object of the Bill was simply to enable persons having railway securities to transfer those securities without being obliged to have recourse to a deed of transfer, or to employ lawyers and brokers. The Scotch people were anxious for the measure, and he saw no reason why their Lordships should not at once pass it into law without waiting until another Session for an English Bill to be brought in by the Government.

Lord REDESDALE remarked, that as he understood the Government intended to support the Bill in that House, he should not trouble their Lordships to divide. He had done his duty in calling attention to the measure, and pointing out the loss that would accrue to the revenue.

Amendment (by Leave of the House) *withdrawn.*

Then the Original Motion was *agreed to;* Bill read 2^{a} accordingly; and *Committed* to a Committee of the whole House on *Thursday* next.

REFORMATORY SCHOOLS (SCOTLAND) BILL.—SECOND READING.

Order of the Day for the Second Reading read.

Lord KINNAIRD, in moving the second reading of this Bill, said its object was to enable the counties of Scotland to establish or to contribute to the reformatories out of certain funds which were now lying in the Bank and which had been accumulating for some years. The Prison Board of Scotland, finding, soon after their establishment that it was necessary to increase the prison accommodation, proceeded to exercise the powers given under the Act and to assess counties for that purpose. It was found, however, that though they had power to assess the counties they had none to apply the assessment to any other purpose than the providing additional prison accommodation. The success of reformatory schools in diminishing crime had shown that to expend money in increasing prison accommodation would be useless outlay. The assessment collected for this purpose was lodged in the bank, and the object of this Bill was to enable the Prison Boards of counties, with the consent of the General Prison Board, to apply those funds towards the establishment of reformatory schools of which there were but three in Scotland, for young persons from the age of sixteen upwards.

Moved, That the Bill be now read 2^{a}.

The Earl of CAMPERDOWN moved as an Amendment that the Bill be read a second time that day six months. He thought that in a matter of such importance legislation ought to originate with Her Majesty's Government. The Bill would alter the whole of the Prison Acts of Scotland. Besides, in an Act passed last year power was taken to apply some portion of the county funds for the purpose of reformatories, and, therefore, he thought that this measure was wholly unnecessary. He objected to the appropriation of money raised under the powers of one Act of Parliament to proposes stated in another Act of Parliament. He regarded this Bill as an attempt to take out of the hands of the Commissioners the appropriation of funds originally designed for this purpose alone, and thought an opportunity should be given to the Commissioners of supply and to the borough authorities to have a voice in the matter if these funds were to be laid out as proposed.

Amendment *moved*, to leave out ("now") and insert ("this Day Six Months.")

THE EARL OF **EGLINTON** was anxious that there should be reformatory schools all over the country, but he objected to this Bill upon the ground that it was wrong to dispose for one purpose of funds which had been voted for another. The money was got from an assessment for the purpose of building and improving prisons and now it was sought to apply the surplus of this fund to the building of reformatory schools. The second objection to the Bill was that it saddled the counties with the maintenance of reformatories whether they desired it or not.

THE DUKE OF **ARGYLL** supported the Bill. Reformatory schools were intended to serve the purpose of prisons for a particular kind of delinquents, and, therefore, the building of such institutions was a strictly cognate purpose to that for which the prison assessments had been levied. Prison Boards had already the power of laying on a special assessment for the erection of reformatories; and, moreover, they were elected bodies, and not likely to act in opposition to the wishes and interests of their constituencies.

LORD **POLWARTH** remarked, that though reformatories were in some sense prisons, yet they were prisons for a totally different purpose than those for which the money was raised.

THE EARL OF **AIRLIE** thought that the Bill contained some very objectionable provisions; and he should, therefore, support the Amendment.

THE DUKE OF **BUCCLEUCH**, in addition to other objections, said, he objected that this was a general measure brought with the view of meeting two or three individual cases only.

On Question, That ("now") stand Part of the Question, their Lordships *divided:* —Contents 16; Not-Contents 49: Majority 33.

Resolved in the *negative*, and Bill to be read 2ª, *this Day Six Months.*

House adjourned at half-past Six o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, June 6, 1861.

MINUTES.] PUBLIC BILLS.—1° East India Council, &c.; East India (High Courts of Judicature); East India (Civil Service); Dealers in Old Metals.

2° East India Loan; Highways; Local Government Supplemental; Municipal Corporations Act Amendment.

THE GALWAY CONTRACT.—QUESTION.

MR. **WHITESIDE**: Sir, I wish to ask the hon. Member for Galway county, Whether he intends to bring forward the Motion of which he has given notice on the subject of the Galway contract on the day he has named, and whether he intends to take the sense of the House upon it?

MR. **GREGORY**: In reply, Sir, to the question of the right hon. and learned Gentleman, I beg to say that it is my intention to move for a Select Committee to inquire into the circumstances attending the cancelling of the Galway contract, on Friday, the 14th, and shall take the sense of the House upon it.

PAUPER CHILDREN.—QUESTION.

LORD **ASHLEY** said, he wished to ask the President of the Poor Law Board, Whether he will lay upon the Table of the House Copy of any recent Correspondence between the Poor Law Board and any London or Provincial Unions on the subject of the removal of Pauper Children to the Manufacturing Districts?

MR. C. P. **VILLIERS** said, there had been no intention of laying the correspondence on the Table, but if the noble Lord had any public object to serve he should have no objection to produce it.

THE RIDE IN KENSINGTON GARDENS.
QUESTION.

VISCOUNT **ENFIELD** said, he wished to ask the Chief Commissioner of Works, Whether he intends, as is reported, to open a part of Kensington Gardens for the use of Equestrians; and, if so, what portion of the Gardens will be devoted to that purpose?

MR. **COWPER** said, he believed that it was the wish of the House, as it was the pleasure of Her Majesty, that the Royal Parks should produce as much enjoyment as possible to all classes of the community. After the decision of the House last year in favour of a ride in Kensington Gardens he thought he should have been wanting in respect to the House if he had not opened a ride again this year; but, considering the loud and almost clamorous objections then made, he felt it his duty to endeavour to remove all just grounds of complaints against the ride. The objections which he felt most forcibly was that proceeding from certain fond parents and timid nurserymaids in regard to the dangers to children which might result from the want of experience or adroitness on the part of the equestrians using the ride; and he had, therefore, traced out a line by which the horsemen and horsewomen would have the advantage of shade from heat, and soft turf for their horses' feet, without crossing any frequented path or walk whatever. There could be no nurserymaid, he thought, who could object to the line he had marked out. Another ground of complaint was that the privacy of the gardens would be destroyed. He owned that he did not pretend to have the power—nor could any mortal man have it —of securing privacy in any park generally open to the public, in the centre of the Metropolis with nearly 3,000,000 inhabitants. At all events, the ride about to be opened would not interfere with the privacy, such as it was, of a great portion of the gardens. The entrance to the ride would be under the dry arch of the bridge which divided Kensington Gardens from Hyde Park—on the south side—and the first warm day after this suitable for a ride that gate would be opened.

UNITED STATES—CIVIL WAR.
QUESTION.

Mr. CRAWFORD said, he wished to ask the hon. Member for Galway County, Whether it is his intention to bring on his Motion to-morrow with reference to the recognition of the Southern States of America, and also, whether the noble Lord the Foreign Secretary deems it desirable that the subject should be discussed?

Mr. GREGORY said, it was his intention to bring on the Motion to-morrow, and he believed the Foreign Secretary was prepared to discuss the question.

Lord JOHN RUSSELL: So far as the Government are concerned, having asked the hon. Member on several occasions to postpone his Motion, we can make no further objection to his bringing it on, but, looking to the interests of the public service, I cannot say that I think it desirable that it should come on.

CANADIAN VOLUNTEERS FOR THE UNITED STATES.—QUESTION.

Lord STANLEY said, he wished to ask the Secretary of State for Foreign Affairs, Whether it is true, as stated in the latest telegrams from America, that a regiment of Canadian Volunteers has offered its services to the President of the United States to assist in coercing the Southern States, and that this offer has been accepted; and what steps will be taken by Her Majesty's Government to prevent this violation of neutrality?

Lord JOHN RUSSELL said, that on seeing the notice of the noble Lord, he had inquired at the Colonial Office whether any account had been received of such an offer, and was informed that no such report had been received. We have not heard from any diplomatic agent, either Lord Lyons or from any of the Consular Agents, of any such proceedings. Under such circumstances it was not necessary to give any answer to the latter portion of the question of the noble Lord.

THE LAKE IN THE REGENT'S PARK.
QUESTION.

Lord WILLIAM GRAHAM said, he would beg to ask the First Commissioner of Works, Whether it is with his leave and sanction that boats are allowed to go on the Ornamental Water in Regent's Park; whether he is aware that considerable annoyance has arisen to the families of owners of private gardens which abut on the same, from persons landing on or lying alongside of these gardens; and whether he intends to take any steps to remedy the grievance complained of?

Mr. FOX said, he wished to put another question on the same subject, the permission for boats to row on the ornamental water in the Regent's Park. He knew, as living in the neighbourhood—["Order, order!"] He merely wished to say that having had many opportunities—

Mr. SPEAKER said, the hon. Gentleman was clearly out of order in making the observation.

Mr. FOX said, he wished to know whether anything had occurred which had induced the Commissioner to regret the licence granted, or that would interfere with the consideration of its extension, especially so as to allow the employment of boats on a Sunday?

Mr. COWPER said, that last summer it occurred to him that the ornamental lake in the Regent's Park was not so conducive to the public recreation as it might be, or as the Serpentine was, and he, therefore, made arrangements to allow boats to ply. On that occasion he received an urgent remonstrance from the owners of property on one side of the lake, and, also, from persons living on the other side. Those persons stated that if boats were allowed the private gardens would be liable to the incursions of a miscellaneous London mob. The other allegation was that if the stagnant water were stirred up serious consequences would result to the health of the neighbourhood. He was happy to say that neither of those apprehensions had been realized. A miscellaneous London mob had not paid eighteen-pence an hour for boats, and had not landed in the private gardens. The only complaint that had reached him was a complaint of incivility towards a lady by a young man who was rowing in a boat. On the other hand he had received the strongest expressions of gratitude and satisfaction at this additional source of amusement, and he knew that a great many clerks and shopkeepers, young men employed all day in sedentary occupations, had found a source of healthful recreation by rowing on the water in the morning. It had also given a vivacity and picturesque appearance to the park which all persons of good taste must greatly rejoice in.

Orders of the Day,—*Ordered*, that the Orders of the Day be postponed till after the three first Notices of Motions, relative to East India.

EAST INDIA COUNCIL, &c., BILL.

LEAVE.—FIRST READING.

Sir CHARLES WOOD rose again and said: I rise to move for leave to bring in a Bill of the greatest possible importance to our Indian Empire. It modifies to a great extent the Executive Government, and—what is of still greater importance—it alters the means and manner of legislation. I can assure the House that I never felt more responsibility than in venturing to submit to it a proposal of so important and grave a character. It is hardly necessary for me to mention that the power of legislating for 150,000,000 of people, and nearly 50,000,000 whose welfare it indirectly affects, is a matter of the gravest importance, and I am quite sure that to those who have ever studied India the inherent difficulties of the question will be no less apparent. We have to legislate for different races, with different languages, religions, manners, and customs, ranging from the bigoted Mahommedan, who considers that we have usurped his legitimate position as the ruler of India, to the timid Hindoo, who, though bowing to every conqueror, is bigotedly attached to his caste, his religion, his laws, and his customs, which have descended to him uninterruptedly for countless generations. But, added to that, we have English settlers in India differing in almost every respect from the Native population—active, energetic, enterprising, with all the pride of race and conquest, presuming on their superior powers, and looking down in many respects and I am afraid violating in others, the feelings and prejudices of the Native population; with whom, nevertheless, they must be subject to laws passed by the Legislative body in India. I have always thought that the gravest question in modern times is the relation between civilized and less civilized nations, or between civilized portions and less civilized portions of nations, when they came in contact. The difficulty is seen in America, in Africa, in New Zealand, but nowhere in the widely extended dominions of Her Majesty has it reached such a magnitude as in India. And in this particular case the difficulty is aggravated by the circumstance that the English, who form a portion of those who are to be subjected to this legislation, are not a permanent body. They go there for a time. Officials, when their term of service has expired, and persons engaged in commercial or agricultural pursuits, when they have made a fortune, return to this country, and though the English element in India is permanent as belonging to a nation, it is most transitory when we come to consider the individuals who compose it. Such are the circumstances under which we are to legislate, and I regret to say that the recent mutiny has aggravated these difficulties. The unlimited confidence which a few years ago was felt by the European population in the Natives of India has given way to feelings of distrust. Formerly there was, at all events, no feeling of antagonism between the higher portion of official persons and the great mass of the population. The latter looked up to the Government as to a protector, and if any feeling of antagonism or jealousy existed it existed only between them and those members of the service or the English settlers who were brought into antagonistic contact with them. When I heard some time ago that the feeling of antagonism was extending itself lower among the Natives and higher among the officers I deeply regretted it, as the most alarming symptom of altered circumstances, which must obviously tend to increase the dangers of our position. I do not wish to dwell on this matter, but it would be folly to shut our eyes to the increasing difficulties of our position in India, and it is an additional reason why we should make the earliest endeavour to put all our institutions on the soundest possible foundations. It is notoriously difficult for any European to make himself intimately acquainted with either the feelings or opinions of the Native population, and I was struck the other day by a passage in a letter from one of the oldest Indian servants, Sir Mark Cubbon, whose death we have had recently to regret. He had been in the service for sixty years; he had administered the affairs of Mysore for nearly thirty years; he had been living in the most intimate intercourse with the Natives, possessing their love and confidence to an extent seldom obtained by an English officer, and yet he said "that he was astonished that he had never been able to acquire a sufficient acquaintance with the opinions and feelings of the Natives with whom he was in daily communication." Many of the greatest mistakes into which we have been led have arisen from the circumstance that we have been, not unnaturally, perhaps, for arranging everything according to English ideas. In Bengal we converted the collectors of taxes into the permanent landowners of the country, and left the ryots to their mercy. In Madras, Sir Thomas Munro, from the most benevolent motives, and to avoid the evils of the Bengal settlement, introduced the ryotwarry system. It is now asserted that a more impoverished population than that of Madras does not exist. When I was at the Board of Control it was said that the system of the North-Western provinces was perfect. In consequence of that opinion it was introduced into the newly-acquired province of Oude. We fancied that we were benefiting the population, and relieving them from the oppression of their chiefs, but in the rebellion the ryots of Oude took part against us and joined their chiefs in the rebellion. Subsequent to the rebellion the Indian Government, profiting by the circumstance, reverted to the old system in Oude, and happily with the greatest success; and recently at an interview between Lord Canning and the talookdars they expressed their gratification at the restoration of the former system, and the Governor General justly congratulated them on the fact that tranquillity prevailed in a district which had been so frequently the scene of violence and outrage, and that in the most newly acquired of Her Majesty's Indian dominions confidence existed which was not surpassed in the oldest settlements. The House can hardly be aware of the extraordinary and inherent difficulties in devising a system applicable to the whole of India. It behoves us to be most careful, as a rash step may lead to most dangerous consequences. It is easy to go forward. It is difficult to go back, and I confess I am disposed to err on the side of caution and to profit by the warning of one of the ablest Indian officers, Mountstuart Elphinstone, who said "Legislation for India should be well considered, gradual, and slow." The measure which I propose to introduce will effect some changes in the executive Government of India. About two years ago the Government thought it right to send to India a distinguished Member of this House, Mr. Wilson, in order to aid in putting the finances of that country in a more satisfactory condition. As far as I can learn, the changes which Mr. Wilson had the opportunity of inaugurating, and which have to a considerable extent been carried out, have gone a great way to convince the authorities of India of the mistaken way in which they were proceeding, and to lay the foundation of a sounder system of finance. Judging from the accounts which we have received by the last mail, I believe that a change has come over the financial affairs of India, and that we may look forward to a more satisfactory state of things than has prevailed for many years. There can be no doubt that the Council of the Governor General has suffered serious inconvenience from the absence of any Member thoroughly acquainted with the laws and principles of jurisprudence; and Lord Canning, in one of his despatches, points out how desirable it is that a gentleman of the legal profession, a jurist rather than a technical lawyer, should be added to the Council. I propose, therefore, to take powers to send out an additional member of Council. Although it is not so specified, it is intended that he should be a lawyer, and I must endeavour to find a man of high character and attainments, competent to assist the Governor General and his Council in framing laws. The main change proposed is, however, in the mode in which laws and regulations are enacted. The history of legislative power in India is very short. In 1773 the Governor General in Council was empowered to make regulations for the Government of India, and in 1793 those regulations were collected into a code by Lord Cornwallis. Similar regulations were applied in 1799 and 1801 to Madras and Bombay, and in 1803 they were extended to the North-West Provinces. The territory of Delhi, however, which was nominally under the sovereignty of the Great Mogul, was administered by officers of the Government of India, and with such good effect that in 1815, when Lord Hastings acquired certain provinces, he determined that they should be administered in the same way by Commissioners appointed by the Government. The same system has been applied to the Punjab, Scinde, Pegu, and the various acquisitions made in India since that date. The laws and regulations under which they are administered are framed either by the Governor General in Council or by the Lieutenant Governors or Commissioners, as the case may be, and approved by the Governor General. This difficult mode of passing ordinances for the two classes of provinces, constitutes the distinction between the regulation and the non-regulation provinces, the former being those subject to the old regulations, and the latter those which are administered in the somewhat irregular manner which, as I have stated, commenced in 1815. There is much difference of opinion as to the legality of the regulations adopted under the latter system, and Sir Barnes Peacock has declared that they are illegal unless passed by the Legislative Council. The Act of 1833 added to the Council of the Governor General a member whose presence was necessary for the passing of all legislative measures, and put the whole of the then territory of India under that body, at the same time withdrawing from Madras and Bombay the power of making regulations. In that way the whole legislative power and authority of India were centralized in the Governor General and Council, with this additional member. So matters stood in 1853, but great complaints had emanated from other parts of India of the centralization of power at Calcutta. The practice was then introduced of placing in the Governor General's Council members from different parts of India. The tenour of the evidence given before the Committee of 1852-3 was to point out that the Executive Council alone, even with the assistance of the legislative member, was incompetent to perform the increased duties which were created by the extension of territory. Mr. M'Leod, a distinguished member of the Civil Service of India, and who had acted at Calcutta as one the Law Commissioners, gave the following evidence before the Committee:—

> " The Governor General with four Members of Council, however highly qualified those individuals may be, is not altogether a competent Legislature for the great empire which we have in India. It seems to me very desirable that, in the Legislative Government of India, there should be one or more persons having local knowledge and experience of the minor presidencies; that is entirely wanting in the Legislative Government as at present constituted. It appears to me that this is one considerable and manifest defect. The Governor General and Council have not sufficient leisure and previous knowledge to conduct, in addition to their executive and administrative functions, the whole duties of legislation for the Indian empire. It seems to me that it would be advisable to enlarge the Legislative Council and have representatives of the minor presidencies in it, without enlarging the Executive Council, or in any way altering its present constitution."

Mr. Hill, another eminent civil servant, said—

> " The mode of carrying out improvements must be by strengthening the hands of the Legislature. . . . . It would be a great improvement if, after the preparation of laws by the Executive Government and its officers, when the Legislature met, they had the addition to their number of the Chief Justice and perhaps another judge of the Supreme Court, one or two judges of the Sudder Court, and the Advocate General, or some other competent persons—so that there should be a more numerous deliberative body."

I quote these two opinions only, because they are so clearly and concisely expressed. In consequence of the general evidence to that effect, I proposed, in 1853, a measure adding to the Council of the Governor General, when sitting to make laws and regulations, members from the different provinces of India, together with the Chief Justice and another Judge of the Supreme Court of Bengal. My intention was, in accordance with the opinions I have cited, to give to the Council the assistance of local knowledge and legal experience in framing laws. The Council, however, quite contrary to my intention, has become a sort of debating society, or petty parliament. My own view of its duties is expressed in a letter I wrote to Lord Dalhousie in 1853, in which I said—

> " I expect the non-official members of your enlarged Legislative Council to be constantly employed as a Committee of Council in working at

Calcutta, on the revision of your laws and regulations."

It was certainly a great mistake that a body of twelve members should have been established with all the forms and functions of a parliament. They have standing orders nearly as numerous as we have; and their effect has been, as Lord Canning stated in one of his despatches, to impede business, cause delay, and to induce a Council, which ought to be regarded as a body for doing practical work, to assume the debating functions of a parliament. In a letter which is among the papers upon the Table of the House, Mr. Grant bears testimony to the success which has attended their labours in framing laws; and I will quote the words of another able Indian civil servant to the same effect. He says—

> "If it be assumed that the enlargement of the Council by the addition of two judges of the Supreme Court and four councillors of the different Presidences of India was designed only as a means of improving the legislation of the country, the measure must be regarded as a complete success. The Council has effected all that could be expected, and may with just pride point to the statutes of the last seven years as a triumphant proof that the intention of Parliament has been fulfilled."

I think that is a very satisfactory proof that as far as my intentions—and what I believe were the intentions of the Legislature of this country—are concerned, the objects of the change in the position of the Governor General's Council, when sitting for legislative purposes, have been most completely fulfilled. I do not wish to say anything against a body the constitution of which I am about to alter, but I think that the general opinion, both in India and England, condemned the action of the Council when it attempted to discharge functions other than those which I have mentioned—when it constituted itself a body for the redress of grievances, and engaged in discussions which led to no practical result. So much has this struck those most competent to form an opinion, that I find that the first Vice President, Sir Laurence Peel, expressed a very decided opinion against it, and says of the Council, in a short memorandum—

> "It has no jurisdiction in the nature of that of a grand inquest of the nation. Its functions are purely legislative, and are limited even in that respect. It is not an Anglo-Indian House of Commons for the redress of grievances, to refuse supplies, and so forth."

These obvious objections were pointed out to me by the Government of India last year, and it way my intention to have introduced a measure upon the subject in the course of that Session. I felt, however, so much difficulty in deciding in what shape the measure should be framed, that I deferred its proposal until the present year; and Lord Canning, who was very anxious that such a measure should be passed, consented to defer his departure from India in order that he, with his great experience of that country, might introduce the change. The present constitution of the Council for legislative purposes having failed, we have naturally to consider what should be substituted, and in doing so we must advert to the two extreme notions with regard to legislation which prevail in India. The notion of legislation which is entertained by a Native is that of a chief or sovereign, who makes what laws he pleases. He has little or no idea of any distinction between the executive and legislative functions of Government. A Native chief will assemble his nobles around him in the Durbar, where they freely and frankly express their opinions; but having informed himself by their communications, he determines by his own will what shall be done. Among the various proposals which have been made for the government of India is one that the power of legislation should rest entirely on the Executive, but that there should be a consultative body; that is, that the Governor General should assemble, from time to time, a considerable number of persons, whose opinions he should hear, but by whose opinions he should not be bound; and that he should himself consider and decide what measures should be adopted. In the last Session of Parliament Lord Ellenborough developed a scheme approaching this in character in the House of Lords; but hon. Gentlemen will see, in the despatches which have been laid upon the Table, that both Lord Canning considers this impossible, and all the Members of his Government, as well as the Members of the Indian Council, concur in the opinion that, in the present state of feeling in India, it is quite impossible to revert to a state of things in which the Executive Government alone legislated for the country. The opposite extreme is the desire which is natural to Englishmen wherever they be—that they should have a representative body to make the laws by by which they are to be governed. I am sure, however, that everyone who considers the condition of Indian will see that it is utterly impossible to constitute such a body in that country. You cannot possibly assemble at any one place in India persons who shall be the real representatives of the various classes of the Native population of that empire. It is quite true that when you diminish the area over which legislation is to extend you diminish the difficulty of such a plan. In Ceylon, which is not more extensive than a large collectorate in India, you have a legislative body consisting partly of Englishmen and partly of Natives, and I do not know that that Government has worked unsuccessfully; but with the extended area with which we have to deal in India, it would be physically impossible to constitute such a body. The Natives who are resident in the towns no more represent the resident Native population than a highly educated native of London, at the present day, represents a highland chieftain or a feudal baron of half a dozen centuries ago. To talk of a Native representation is, therefore, to talk of that which is simply and utterly impossible. Then comes the question to what extent we can have a representation of the English settlers in India. No doubt, it would not be difficult to obtain a representation of their interests; but I must say that of all governing or legislative bodies, none is so dangerous or so mischievous as one which represents a dominant race ruling over an extended Native population. All experience teaches us that where a dominant race rules another, the mildest form of government is a despotism. It was so in the case of the democratic republics of Greece, and the more aristocratic or autocratic sway of Rome; and it has been so, I believe, at all times and among all nations in every part of the world. The other day I found in Mr. Mill's book upon *Representative Government*, a passage which I will read—not because I go its entire length, but because it expresses in strong terms what I believe is in the main correct. Mr. Mill says—

> "Now, if there be fact to which all experience testifies, it is that when a country holds another in subjection, the individuals of the ruling people who resort to the foreign country to make their fortunes are, of all others, those who most need to be held under powerful restraint. They are always one of the chief difficulties of the Government. Armed with the prestige and filled with the scornful overbearingness of the conquering nation, they have the feelings inspired by absolute power without its sense of responsibility."

I cannot, therefore, consent to create a powerful body of such a character. It must be remembered, also, that the Natives do not distinguish very clearly between the acts of the Government itself and the acts of those who apparently constitute it, namely, the members of the Legislative Council; and in one of Lord Canning's despatches he points out the mischiefs which have on that account arisen from publicity. He says that, so far as the English settlers are concerned, publicity is advantageous; but that if publicity is to continue, care must be taken to prevent the Natives confounding the measures which are adopted with injudicious speeches which may be made in the Legislative Council. I feel it, therefore, necessary to strengthen the hands of the Government, so as to enable them not only by veto to prevent the passing of a law, but to prevent the introduction of any Bill which they think calculated to excite the minds of the Native population, repeating the caution which I have before given, I say it behoves us to be cautious and careful in our legislation. I have seen a measure which I myself introduced in 1853, with one view, changed by the mode in which it was carried into execution so as to give it an operation totally different from that which I intended. The mischiefs resulting from that change have been great; and I am, therefore, anxious that in any measure which I may propose, and which the House, I hope, will adopt, we should take care, as far as possible, to avoid the likelihood of misconstruction or misapplication by the Government of India. It is easy at any future time to go further, but it is difficult to draw back from what we have once agreed to. The despatches of Lord Canning contain pretty full details of the scheme which he would recommend. Those despatches have been long under the consideration of the Council of India, and with their concurrence I have framed a measure which embodies the leading suggestions of Lord Canning. I propose that when the Governor General's Council meets for the purpose of making laws and regulations, the Governor General should summon, in addition to the ordinary members of the Council, not less than six nor more than twelve additional members, of whom one-half at least shall not hold office under Government. These additional members may be either Europeans, persons of European extraction, or Natives. Lord Canning strongly recommends that the Council should hold its meetings in different parts of India, for the purpose of obtaining at times the assistance of those Native chiefs and noblemen whose attendance at Calcutta would be impossible, or irksome to themselves. I do not propose that the judges *ex-officio* shall have seats in the Legislature; but I do not preclude the Governor General from summoning one of their number if he chooses. They were useful members of a body meeting as a committee for the purpose of discussing and framing laws, but I think it is inexpedient and incompatible with their functions that they should belong to a body partaking in any degree of a popular character. I propose that the persons nominated should attend all meetings held within a year. If you compel their attendance for a longer period you render it very unlikely that any Natives except those resident upon the spot will attend the meetings of the Council. This also is recommended by Lord Canning. Hon. Gentlemen will have noticed the great success which has attended the association with us of the Talookdars of Oude and of the Sirdars in the Punjab in the duties of administering the revenue, and Lord Canning has borne testimony to the admirable manner in which they have performed their duties. I believe greater advantages will result from admitting the Native chiefs to co-operate with us for legislative purposes; they will no longer feel, as they have hitherto done, that they are excluded from the management of affairs in their own country, and nothing, I am persuaded, will tend more to conciliate to our rule the minds of Natives of high rank. I have no intention of doing anything to make this Council a debating society. I wish, to quote an expression of Sir Laurence Peel, to render them a body for making laws. The Council of the Governor General, with these additional members, will have power to pass laws and regulations affecting the whole of India, and will have a supreme and concurrent power with the minor legislative bodies which I propose to establish in the Presidencies and in other parts of India. I come now to the power of making laws which I propose to give the Governors and Councils of the other Presidencies. Lord Canning strongly feels that although great benefits have resulted from the introduction of members into his Council who possess a knowledge of localities—the interests of which differ widely in different parts of the country—the change has not been sufficient, in the first place, to overcome the feeling which the other Presidencies entertain against being overridden, as they call it, by the Bengal Council; or, on the other hand, to overcome the disadvantages of having a body legislating for these Presidencies without acquaintance with local wants and necessities. This must obviously be possessed to a much greater extent by those residing on and nearer the spot. And, therefore, I propose to restore, I may say, to the Presidencies of Madras and Bombay the power of passing laws and enactments on local subjects within their own territories, and that the Governor of the Presidency, in the same manner as the Governor General, when his Council meets to make laws, shall summon a certain number of additional members, to be as before either European or Native, and one-half of whom at least shall not be office-holders. It is obviously necessary that these bodies should not be empowered to legislate on subjects which I may call of Indian rather than of local importance. The Indian debt, the Customs of the country, the army of India, and other matters, into the details of which it is not necessary that I should enter, belong to a class of subjects which the local Legislatures will be prohibited from entering upon without the sanction of the Governor General. I propose that Councils rather differently constituted should be established at Bengal; and, if the Governor General thinks right, as he obviously does from his despatches, that he shall be empowered hereafter — but not without the sanction of the Secretary of State — to create a Council for the North West provinces, or the Punjab, or any other part of India which he may think desirable. It has been represented that the province of Pegu might, perhaps, be constituted into a separate Government, with a Council. I somewhat doubt whether it is at present ripe for such a change; but when it has acquired sufficient importance, no doubt the district will be better administered in that way than it is at present. By this means, while we shall attain a general uniformity of legislation, with a sufficient diversity for the differences of each part of India, we shall, I hope, adapt the system to the wants of particular localities. It is quite clear that the public works may be better dealt with by local bodies than by a central authority; but as each district might be disposed to repudiate liability to maintain its share of the army, on the ground that it would not be first exposed to danger, and as it is highly desirable that the distribution of troops should be in the hands of the central authority, I think that the army, among others, is a subject which should be left to the general Council. The Bill also gives power to the Governor General in cases of emergency to pass an ordinance having the force of law for a limited period. Questions might arise about the Arms Act, or the press, as to which it would be very injudicious that delay should occur; and we, therefore, propose to empower the Governor General on his own authority to pass an ordinance having the force of law, to continue for a period of six months, unless disallowed by the Secretary of State or superseded by an Act of the Legislature. I believe I have now gone through the main provisions of the Bill. They have been carefully considered by the members of the Indian Council, men drawn from every part of India, of every profession, and with the most varied experience. The measure has been prepared with their entire concurrence, and it has the approval of most of the persons with whom I have conversed on the subject. All I can say is that every precaution has been taken in the framing of the Bill to make it effectual for the accomplishment of the object which it is designed to achieve. Every one has been consulted whose opinion I thought ought to be taken. It has been carefully considered by the Government in India and the Government at home. I venture, therefore, to submit it to the House in the hope that, with such Amendments as may be made in it in its progress through Parliament, it may tend to the happiness of India and the prosperity of the Queen's subjects in that portion of Her Majesty's dominions. The right hon. Baronet concluded by moving for leave to bring in a Bill to amend, in certain respects, the constitution of the Council of the Governor General of India, and to authorize making laws and regulations for the Presidencies of Fort St. George and Bombay, and for other parts of Her Majesty's Indian territories.

Mr. DANBY SEYMOUR wished to express his hope that the right hon. Baronet would not press too quickly on the House the consideration of this matter. The despatches of Lord Canning were placed in the hands of Members only that morning, and he for one had not had time to read them. He approved entirely the principles of this Bill. It contained two principles which, in his opinion, promised to be eminently successful—one for the greater localization of the Government of India, and the other for the introduction of independent Members of the Council. Whether it would be possible to accomplish by the machinery of the Bill all that the measure proposed was matter for discussion, and he thought that time ought to be given to hon. Members to consider the provisions of the Bill, and to propose such Amendments as they might think it desirable to submit to the House.

Colonel SYKES said, it was difficult to give a uniform legislation for a country composed of twenty-one different nations, speaking different languages, and having different habits and prejudices, but he did not think that that difficulty should prevent them from making any attempt to legislate at all. The local councils would bring legislation within a narrower sphere, and adopt it to the peculiar wants of the peoples under the respective presidencies; indeed, the Bill would only restore the power to the local councils possessed before the establishment of the Legislative Council of India, the difference being that formerly they could only pass rules and regulations; whereas for the future they would be enabled to pass laws. He hoped the legislation would be such as to insure a return on the part of the people to that attachment to this country which existed before the rebellion. He was not now about to enter into a discussion of the details of the measure; but would merely express a hope that ample time would be given to the House to consider with attention its various provisions.

Mr. W. EWART thought that the legislation proposed by Lord Canning, and sought to be carried into effect by this Bill, combined the logical and central managements in a manner that deserved the praise of the House. It was quite true that the time must not be very remote when it would be possible to put in practice any scheme for the representative system in India; but we must adopt means to prepare the Natives for local self-government. He thought that the localization of India would be productive of great benefit. As far as he could understand the proposition from the Correspondence of Lord Canning, it had his approval, and he trusted that his right hon. Friend would succeed in bringing it to a successful conclusion.

Local

Mr. DUNLOP said, there were two interests which especially required representation, the trade and the agriculture of India, and he believed that that would be best attained by this combination of local with central government. Lord Canning had very skilfully laid down the distinction between the two; and he gave his cordial support to the Bill, which carried out the views of the noble Lord. He believed, however, that the credit of originating the plan was due to the hon. Member for Birmingham (Mr. Bright), who had suggested it many years ago.

Mr. HADFIELD hoped the right hon. Baronet the Secretary for India would turn his attention to the question of improving the laws in that country, especially in respect to the making and enforcing of contracts.

Leave *given.*

Bill to make better provision for the constitution of the Council of the Governor General of India, and for the Local Government of the several Presidencies and Provinces of India, and for the temporary Government of India in the event of a vacancy in the office of Governor General, *ordered* to brought in by Sir Charles Wood, Viscount Palmerston, and Lord John Russell.

Bill *presented,* and read 1°, to be read 2° on *Thursday* next, and to be *printed.* [Bill 162.]

EAST INDIA (HIGH COURTS OF JUDICATURE) BILL.

LEAVE.—FIRST READING.

Sir CHARLES WOOD: The next Bill which I propose to ask leave to introduce is a Bill for the purpose of forming one instead of two Superior Courts in India. There is the Supreme Court, consisting of lawyers and Queen's Judges sent out from this country, which has complete jurisdiction over the three Presidency towns of Bengal, Bombay, and Madras, and exclusive criminal jurisdiction in important matters over Europeans, in whatever part of India they may be. There is also the Sudder Court. That is a Court of Appeal for all the Courts in the country, whether they are presided over by Natives or by Europeans; and it also exercises over those Courts a sort of superintendence, or what may be called the functions of a Minister of Justice. In the evidence which was given before the Committee that sat on East India affairs in 1852-53, a strong opinion was expressed by those most competent to give an opinion, that it was desirable, with a view to the better administration of justice in India, that those two Courts should be consolidated into one, which would unite the legal knowledge of the English lawyers with the intimate knowledge of the customs, habits, and laws of the Natives possessed by the Judges in the country. I was very anxious in introducing the Bill of 1853 to include a provision for effecting the object I now propose, and to empower Her Majesty to issue Her charter for the establishment of a united Court, and to lay down regulations for its guidance. But I found that the Members of the Indian Law Commission, though they were most anxious that this measure should pass, thought it would be useless to attempt to unite the Courts till certain forms of procedure were established, which would enable the amalgamated Court to do what the two Courts had been accustomed to do. I was, therefore, compelled to postpone legislation on the subject. In order to obtain the basis on which the form of procedure could be framed, a Royal Commission was issued in this country to a number of gentlemen of the highest attainments to report generally on the subject. I certainly considered myself remarkably fortunate in obtaining the assistance of the gentlemen who formed that Commission. They were Sir John Romilly, Master of the Rolls; Sir John Jervis, Chief Justice of the Common Pleas; Sir Edward Ryan, late Chief Justice at Calcutta; Mr. Cameron, late President of the Law Commission and Member of Council at Calcutta; Mr. M'Leod, of the Civil Service, Madras, also a Member of the Law Commission; Mr. Ellis, the accomplished reporter of the decisions of the Court of Queen's Bench; Mr. Lowe, M.P., intimately acquainted with colonial courts of justice as well as English law; Mr. Hawkins, late Judge of the Sudder Court, Calcutta, and afterwards Secretary to the Law Commission; Mr. Baillie, whose practical professional knowledge of Indian law and Courts in the country districts there was of the utmost importance in such an inquiry. The Commission devised forms of both civil and criminal procedure, which I believe—if I may say so in the presence of gentlemen of the long robe—are superior to any that exist in this country. The House knows that more than a quarter of a century ago Lord Macaulay, assisted by many able gentlemen in Calcutta, framed a criminal code. That code was tossed backwards and forwards between this country and India; and I recollect that when I was President of the Board of Control it appeared to be no more likely to be acted upon than it had been twenty years ago. No doubt there was a necessity for some form of procedure for that criminal code, and the Commission to which I have referred drew up a form of procedure which has been under the consideration of a Committee of the Council in India. That Committee has reported in favour of the form of procedure recommended by the Commissioners, and I have no doubt that in the course of a few weeks it will have passed into a law. Lord Macaulay's criminal code has already passed into law, and I believe that at last, after so long an interval, the people of India will, from the 1st of January next, have a form of procedure and a criminal code which will bear comparison with those of the most enlightened people in any country in Europe. The Commission also recommended a form of procedure in civil cases, which is now in full force, and the result of its working shows that it has been most successful. The reports from the various districts prove that it has done much to diminish the expense, time, and amount of litigation. The Lieutenant Governor of Bengal says—

> "The result of all the inquiries I have made from the Native Judges, by whom nearly all original suits are tried, and of whom I have now seen many in different parts of the Lower Provinces, is, that the new procedure, in working, has been successful, even above all hope."

The Lieutenant Governor of the North-West Provinces

> "Concurs with the Sudder Court of the North-West Provinces that Act VIII. of 1859 (the code of civil procedure) is one of the best Acts ever passed by the Legislature."

A private letter from the Judge of Benares (Mr. W. Edwards) states that in his district, and he believes in all the districts of the North-West Provinces, the code of civil procedure has had a remarkable effect in expediting and improving the administration of justice, The number of cases pending at the close of certain periodical eras is given in the margin. These show that in 1835 the number was 1,475; in 1840, 1,640; in 1850, 1,699; in 1855, 955; in 1860, the first year of the new code, 175. The average duration of a case in each class of Courts in the district has been reduced to less than one-third since the code came into force. The total cost of 25 cases taken at random, under the old system, was 1,711 rupees, under the new, 687 rupees. The number of papers in each case under the old system was 27, under the new 11. The remaining part of the civil code to be dealt with is a work of no mean importance. Looking at the results that have arisen from the appointment of the Commission in 1852, and which ended its labours two or three years afterwards, I think I cannot take a course more advantageous for the improvement of the jurisprudence of India than to appoint a similar Commission now. I am happy to say that Sir John Romilly and others of the old Commissioners have agreed to act, and I hope they will be able to devise a civil code as good in character as the criminal code. The Commissioners also recommended the formation of district Courts in the country, a recommendation which is under the consideration of the Government of India. All the measures to which I have referred it is competent for the Government of India, there or at home, to carry out. The matter to which I wish to call the attention of the House more particularly is the crowning point of the whole, and the only one for which the sanction of Parliament is necessary. When that is done, so far as legislation goes, the whole of the recommendations of the Commission will have been carried into effect. The last of their recommendations was the formation of a high Court to exercise the functions now performed by the Supreme and Sudder Courts. The Bill I now propose to introduce has been sent to Bengal, where it has been submitted to the observation of the Judges of the Supreme Court, and the amendments suggested by them have been introduced into the Bill. The Judges of the Supreme Court of Madras were also in favour of amalgamating the Courts, and I have likewise received the suggestions of one of the Judges of the Supreme Court of Bombay. The present Supreme Court consists entirely of Queen's Judges sent from this country, while the Sudder Court consists entirely of members of the Civil Service who have risen through the successive stages of the service, but who have not necessarily had the slightest legal training. With their great knowledge of local habits and customs will be united the legal training and knowledge of the English, Scotch, and Irish bars; their knowledge of Native habits and customs will be of the greatest assistance in guiding the opinions of the legal members of the Court; and the union of these two classes of Judges will constitute a far better Court than would be formed by either separately. We propose that in the new Court there shall be a certain proportion of barristers or advocates of the Scotch bar; that there shall be a certain proportion of civil servants, and that the remainder shall consist either of one or other of those classes, or of barristers trained in India, or of Native Judges. An impression has gone abroad in India that the Government are adverse to the appointment of Native Judges. That is not so. Lord Canning has expressed a decided opinion that Native Judges, well trained, are as well qualified as any other persons to take their places by the side of English Judges in the high Court. That is provided for in the Bill, and the Judges will, therefore, be chosen from among those three classes. I do not know that I need go into any further detail respecting the Court. Its advantages are clear. We shall have one Supreme Court, one sole Court of Appeal, instead of two, and, inasmuch as the administration of justice in the minor Courts depends on the mode in which the appeals sent up from them are treated, the superior Court thus constituted will, I hope, improve the administration of justice generally throughout India. It is notorious that the greatest confidence is felt by the Natives in the administration of justice by the Supreme Court even at present. Now, according to the provisions of this Bill, the Judges of the Supreme Court may be sent on circuit throughout the country. The effect of this will be that in important cases occurring in the various districts, justice, as in this country, will be administered on the spot by a trained Judge. At present, if an Englishman commits a crime which may subject him to serious punishment, he and all the witnesses must be brought to Calcutta, and the case must be tried there. In future an English Judge going into the country will be able to try these cases. At present when a crime is committed up country by an European the necessity of bringing him to Calcutta amounts, in many cases, to an absolute denial of justice. It may be impossible in a country like India to bring justice to every man's door, but, at all events, the system now proposed will bring it far nearer than at present; and where criminal offences are committed by a European —happily such instances are rare—the impartial administration of justice on the spot will produce a most desirable influence on the minds of the Natives. I think I need not trouble the House with any further observations upon this Bill. I trust that I shall be allowed to introduce it, and that, having some years ago, when President of the Board of Control, introduced various measures to improve the administration of the law in India, I may now be permitted to give a finishing stroke to that good work by carrying into effect the last recommendations of the eminent Commissioners who inquired into that important subject.

Leave *given*.

Bill for establishing High Courts of Judicature in India, *ordered* to be brought in by Sir Charles Wood, Viscount Palmerston, and Lord John Russell.

Bill *presented*, and read 1°, to be read 2° on *Thursday* next, and to be *printed*. [Bill 163.]

EAST INDIA (CIVIL SERVICE) BILL.

LEAVE.—FIRST READING.

Sir CHARLES WOOD, in rising to move for leave to bring in a Bill "to confirm certain appointments in India, and to amend the law concerning the Civil Service there," said,—I now have to move for leave to bring in the third Bill of which I have given notice, and I do not know that in some respects it is of less importance than the other measures which I have mentioned. I know that it excites lively interest among certain individuals, who conceive that their personal interests are affected by it; but I do not think that they will or can be affected to any such extent as should induce the House to interfere with that which I believe will be of great public advantage. The good of the public service ought, I think, to outweigh what I venture to call the imaginary injury apprehended by these persons. The object of the Bill is to legalize certain appointments which have for the last fifty years been made in India contrary to law, and to provide that in certain exceptional cases, to which I will hereafter allude, appointments may be made, notwithstanding the restrictions imposed by the old law. In 1793 an Act was passed, the object of which was to prevent jobbing in Indian appointments on the part of the Indian authorities; and it provided that all vacancies occurring in the civil branch of the service, under the degree of Councillor, should be filled up from among the civil servants of the company. That was the law of 1793, and I am not now disposed to question that it was then a proper law. Since then, however, the state of things has undergone a considerable change. At any rate, there is not the slightest doubt that almost from the passing of this Act the Government of India found it impossible, consistently with a due regard to the public service, to adhere to its provisions. At all times the Indian Government, with the sanction of the Court of Directors, whose interest it was to maintain the rights of the Civil Service, deviated from the law to such an extent that I believe I shall not exaggerate when I say that at this moment one-third of the Indian appointments have been made contrary to law. There are three distinct cases in which the law has been departed from. According to the Act all civil appointments in India, such as existed in 1793, must be held by covenanted servants only. Now what is the case? All the civil appointments of this description that are held by military men, all that are held by Englishmen other than covenanted servants sent out from this country, and all the civil appointments held by Englishmen born in India, or by Natives are contrary to law. In the first place, in what are called the non-regulation provinces of India the Indian Government never for a moment supposed that they were bound by the law, and they have, therefore, bestowed the appointments largely upon military men and others. A few years ago, when I called the attention of the Indian Government to the salaries of the civil servants, Mr. Ricketts was desired to inquire into the matter, and reported fully upon a variety of matters, including this; and I will show, from documents quoted in that report, what are the opinions of various persons bearing upon this subject. In the non-regulation provinces, as I said, the Government never dreamed of being bound by the Act of 1793, but the fact is undoubted that in the application of this Act there is no real distinction between the regulation and non-regulation provinces, and that which is illegal in one is also illegal in the other. Perhaps there never was a more able administrator nor one who more effectually called forth the energies of those under his control than Sir Henry Lawrence. Though there is hardly any person in the world whom I should look upon as a greater authority in these matters than Sir John Lawrence, yet it is remarkable that all those who were acquainted with both concur in looking upon Sir Henry Lawrence as the higher authority of the two. Sir Henry Lawrence's opinion is given in the following words:—

> "He thinks that both justice and expediency demand that military men and civilians should receive the same amount of salaries when employed on similar duties. It is for the public benefit that the present competitions for offices, especially in the higher grades, should exist."

Sir John Lawrence, himself a civilian, says—

> "But a good sprinkling of military men is beneficial, especially in a new country; their presence excites emulation."

Again, Sir Henry Lawrence says—

> "I go much further in my views of equalization, and strongly advocate that uncovenanted gentlemen be largely mixed with civil and military officers in the non-regulation provinces, and be paid at a similar rate. Such appointments to be by selection after approved service and strict tests from the ordinary uncovenanted ranks. Such competition would both strengthen Government and improve the tone of the services."

The above passages refer to offices in the non-regulation provinces, which have been elsewhere reserved for covenanted servants. I come now to the second class. The more general way in which the Government have proceeded has not been by appointing uncovenanted servants to fill the places of covenanted servants, but by abolishing covenanted places, and creating new covenanted places. This has been done to an extent of which hon. Gentlemen are, perhaps, not aware. In 1793, for instance, the assistant-collector must be a covenanted servant. There is no such person now of the same class as before; but there is a deputy-collector, who may be an uncovenanted servant. Sir George Clerk, in a minute drawn up while my noble Friend opposite was in office, says—

> "Adherence being quite impossible with reference to increasing population, crime, and litigation, the restrictive law has been disregarded to a great extent—for instance, by uncovenanted servants being appointed Postmaster General, superintendent of police (Bombay), secretary in the Foreign Department, and by the appointment of 316 existing deputy collectors uncovenanted against sixty-four existing covenanted."

I do not blame the Government of India for this course. It was forced upon them by the necessities of the case. Sometimes they broke the law; sometimes they evaded it. It has been precisely the same in the judicial appointments. In former times the judicial officers were covenanted servants, but afterwards a new class of officials were created, called Sudder Ameens, and Principal Sudder Ameens, who are almost without exception Natives or uncovenanted servants. Here they did not break the law, but they turned the flank of it. This process is very clearly described by one well acquainted with the practice as to judicial matters of India. He says—

> "The original jurisdiction in the administration of civil justice, which, in 1793, could for the most part be exercised only by civil servants, passed into the hands of the uncovenanted Judges, not by an absolute transfer of the authority of the covenanted Judge, but by a gradual augmentation of the power of the uncovenanted Judge. In like manner uncovenanted agency is now employed to a much greater extent than formerly in the administration of criminal justice, and in the revenue departments."

This, be it observed, is in the regulation provinces, to which nobody questions for a moment that the Act of 1793 strictly applies. Then we come to the last class of cases in which the Government of India has avowedly appointed uncovenanted servants to offices in the presidencies which, under the law of 1793, were held by covenanted servants. Nothing can be clearer than that in 1793 the Secretaries to the Government were exclusively covenanted servants. Now, two secretaryships—Military and Public Works—are held by soldiers, and the assistants in both cases are uncovenanted servants also. In Lord Cornwallis's time there was in the Political and Secret Department a secretary, an assistant-secretary, and eight assistants, all of them covenanted servants; at the present time the secretary and the under-secretary are covenanted servants, and the eight assistants are uncovenanted. The same has taken place in other departments, and there is no doubt that such appointments have been illegal. The assay-master, the master of the mint, the military paymaster, the superintendents of police, all formerly covenanted servants, have for a considerable time been uncovenanted servants. A short time ago Sir Frederick Halliday, the Lieutenant Governor of Bengal, during the absence of a civil Judge, appointed an uncovenanted servant to perform the duties. The arrangement was the most convenient which could be made, but, unfortunately, he was an uncovenanted servant and the Government had to remove him. A short time before, however, an uncovenanted servant had been made a collector of revenue at Bombay, and the Court of Directors confirmed the appointment. On this, Mr. Ricketts very justly remarks—

> "The same law applies to both offices. If it was illegal to appoint an uncovenanted officer merely to officiate as a civil Judge, it was at least equally illegal to appoint an uncovenanted officer to be permanently collector at Bombay."

Sir Charles Wood

I mention these matters not to blame the Government of India, because the necessities of the case justify them—and they are rather to be praised for making the public interest and the proper administration of the functions of Government first considerations. Lord Elphinstone not only approves this practice, but in his evidence before the House of Lords, he expresses an opinion that a Native might legally be made a collector or a Judge. Lord Auckland says—

> "An absolute disqualification to all but those in the covenanted service from holding, or from even taking charge in time of emergency of the offices in question would be productive of very great embarrassment and inconvenience."

The right hon. Gentleman then proceeded to refer to the authority of Sir George Clerk, Lord Hardinge, and others, pointing out the desirability of having in the public service some offices of emolument and position to which Native gentlemen of character might aspire. Lord Dalhousie, in a minute of the 26th of April, 1854, stated—

> "It is a cause of constant regret with me that there do not exist in the public service some offices of large emolument and high position to which Native gentlemen of character and ability might rise, so that the office and pay of principal Sudder Ameen may no longer be the boundary of a Native gentleman's ambition in the British service."

Mr. Ricketts, notwithstanding that he might be supposed to have the prejudices of a covenanted servant, nevertheless, recommended that the uncovenanted service should be admitted to certain offices embracing Executive control. That gentleman's report stated—

> "It will be observed that in the list given there are no offices embracing Executive control, but I would under each Government have a few such offices open to Natives and East Indians. If each Government were permitted to appoint three uncovenanted collectors, three uncovenanted Judges, and three uncovenanted magistrates, or Natives or East Indians thoroughly qualified for the offices, presenting themselves, choosing, of course, such districts as were best suited to the experiments, these classes would be provided with further opportunity of showing their fitness for such positions. I can see many advantages from such a partial opening of Executive offices, and no possible disadvantage, unless the advance of our native subjects towards fitness for offices of high responsibility is considered disadvantageous."

He did not think it possible that any man could consider such a result disadvantageous. With regard to the bench of the Upper District Court, Mr. Harrington, as chairman of a Committee of the Legislative Council, strongly recommended the appointment of uncovenanted servants and of Natives. That gentleman stated—

> "I am bound, however, to admit that the Select Committee never contemplated, nor did they desire, that the bench of the Upper District Court should be composed entirely of Members of the Indian Covenanted Civil Service. What they hoped was that the senior or chief Judge of the Court would be a member of that service; that the second Judge would be a member of the English or Irish bar, or of the Faculty of Advocates in Scotland; and that the third Judge would be selected from the uncovenanted judicial branch of the Service, which is composed chiefly of Natives of India."

Lord Canning had recommended the admission of Natives to seats on the bench of the High Court. A case had arisen within the last few days exemplifying in the strongest manner the advantage to be derived from a provision such as he intended to propose. Lord Canning had written home proposing that a member of the Indian Council, Colonel Durand, should go out to India and take the place of Foreign Secretary, that gallant officer being most eminently fitted, in the opinion of the Governor General, for the office. Colonel Durand, at considerable personal sacrifice but from a sense of public duty highly creditable to him, responded to the invitation, and the whole of the India Council were perfectly willing that the Government of India should have the assistance desired, yet under the existing law the appointment could not be made. He had stated the reasons for taking the course which he proposed to pursue, because he was anxious to convince the House that when interfering, even to the smallest extent, with the vested interests of the covenanted servants, it was not without very strong and unanswerable grounds in the interest of the public service. His noble Friend who preceded him in the office of Secretary of State became impressed with the necessity of this change. He had found the records of his noble Friend's opinion in the office, and after careful inquiry he had come to the same conclusion. He had no intention to lower the covenanted service. That service had produced some of the ablest men whom the country had ever seen, and, no doubt, it was a great advantage that men going to India should know what prospects were before them. Those who supposed that he was about to injure to any extent the covenanted service had entirely misapprehended his views and intentions. But he thought there were exceptions in which a positive bar against the admission of uncovenanted services to office was a positive evil. The members of the uncovenanted service felt it to be a degradation and a stigma, and it was not fair to call upon them to perform laborious and onerous duties without any prospect of promotion. If they were not fit let them be excluded without a scruple, but let them not be excluded by law from the possibility of rising in accordance with their merits. In the case of Native servants, Mr. Ricketts recommended their admission. He said—

> "The emulation would be useful in stimulating the exertions of both parties, useful in elevating the position of Natives generally, and making them more honest by showing trust in their honesty. The deeper the fall the greater is the fear of falling. Many a dishonest lerishtedar has made an honest deputy collector."

He felt, therefore, that with due precautions against the power being abused the admission of uncovenanted persons, English, whether civil or military, and Natives, would be most beneficial to the public service, and he thought the request in the memorial of the uncovenanted servants expressed very fairly what ought to be granted—

> "Your memorialists ask only that the supreme and local Governments be empowered to promote uncovenanted servants who have passed through a certain term of approved service in India to offices now reserved exclusively for members of the covenanted service." * * * *

They further asked—

> "That the Bar, which at present excludes uncovenanted servants, whatever their merits or special qualifications, from holding offices heretofore reserved for covenanted officers, be removed, and that it be left to the discretion of the supreme and local Governments to promote meritorious uncovenanted servants to such offices, under such regulations as may be deemed necessary."

It was very remarkable that, although a number of distinguished men had been bred up in the covenanted service, many of the ablest administrators of India had not been covenanted servants. If one side quoted Mountstuart Elphinstone, Sir Charles Metcalfe, and Sir John Lawrence, the other could quote John Malcolm, Sir Henry Lawrence, and Sir Thomas Munro. A short time ago he was conversing upon the subject with an able covenanted servant, and he said that the change was quite right, and that he knew an instance of an uncovenanted servant who had been employed for years at a salary of £400 a year, who had seen his covenanted juniors rise to £700 a year, and who only the other day, when an officer was required for employment out of the regular course, was selected, such was his merits, for that employment at £1,200 a year. This measure had been considered by the Council. Many of them, of course, did not like breaking into the covenanted rule, but after discussion they authorized him to introduce it as a measure which had their general concurrence. It was honourable to them that with their natural predilections against the change they should have concurred in it, on the ground of the advantage to the public service. He proposed to legalize all those appointments which had habitually been made. He proposed, further, that when any authority in India should think it desirable, under the special circumstances of the case, that an appointment should be made, without regard to the Act of 1793, he should have authority to make the appointment, subject to such regulations as might be made from time to time by the Secretary of State in Council; that the appointment should be provisional; that it should be reported to the Secretary of State, with the special reasons for making it; and that, if not approved within a year by a majority of the Council, it should be void. The regulations would be laid down in England; the appointment would be made in India, and without the concurrence of a majority of the Council in England it would be void. The regulations had been prepared, and they would require, generally speaking, precisely the same qualifications as those of the covenanted service. In order to prevent the abuse of a Governor General taking out a number of friends and appointing them, it was proposed that the officers to be appointed should have resided in India seven years previously, and that they should be qualified in the language of the district to which they were appointed. Natives would be subject to the same tests as Europeans. He thought that with these restrictions no abuse could take place, and that although in an infinitesimal degree it infringed on the vested rights of the covenanted servants, they could not possibly complain of a change so eminently required by the demands of the public service. The right hon. Baronet concluded by moving that leave be given to bring in a Bill to confirm certain appointments in India, and to amend the law concerning the Civil Service there.

MR. WHITESIDE believed that the speech of the right hon. Gentleman would do a good deal to dissipate the impression which had hitherto prevailed in India in regard to this measure. He had received several letters requesting him to state to the House what were the feelings of the covenanted servants on this subject. In their petition it was set forth that the Act of 1793 contained, along with the rules of the covenanted service, a proviso that no man should be appointed to a situation with a salary of £500 a year unless he had been three years resident in India. The petitioners stated that in the territories which the Company then possessed that rule was almost universally acted upon, and pointed out the advantage to the Civil Service in inducing men of intellect to qualify themselves for the important duties of that profession. He thought that the law of the case was clearly in favour of the civil servants of the Company, because the Act just passed for the better Government of India declared that all contracts and engagements which bound the Company should bind the Crown. The petitioners, however, feared that offices which formerly could be held only by covenanted servants were to be thrown open to all persons without distinction, and prayed the House to prevent such injustice being done to them. But it appeared that the right hon. Gentleman did not contemplate such a course, because he understood that should any arbitrary act of that character be done by a Governor General of India, it would not be sanctioned by the Secretary of State. The petitioners set forth another ground of complaint, and he (Mr. Whiteside) thought it was a grievance which they were justly entitled to complain of, and that was the mode in which their retirement was regulated. They stated that they had to subscribe a large percentage of their salary to the Civil Service Fund and Annuity Fund, the objects of which were respectively to make provision for their families on their deaths, and for themselves after a certain fixed period in the service. These funds were supplied by the percentage deducted from their salaries, and they said, very truly, that if their salaries were curtailed the funds in question would of course suffer. They, therefore, claimed compensation on that account; but he did not hear the right hon. Gentleman propose to give them any. He had received a letter from a very clever and active young gentleman in the Indian service, who complained of the heavy deductions which were made from the salaries of civil servants, in addition to an income tax at the rate of 10¼ per cent. The position of the covenanted servants, his correspondent showed, would be much prejudiced by the proposed change, as their promotion would be twice as slow as formerly, and their salaries much reduced. He trusted that the right hon. Gentleman would endeavour to frame the regulations so as to redress the grievances of the covenanted servants, and that, in conjunction with the Chancellor of the Exchequer, he would consider how the heavy income tax which the covenanted servants had to pay might be reduced, and less deductions made from the service money of those very useful and deserving officers.

MR. AYRTON said, he shared the belief of the right hon. Gentleman that the Act of 1793 was introduced for the purpose of suppressing jobbing; and held that there was just as much necessity for maintaining the principle of that Act at that day as when it was first passed. If he had any prejudice at all in regard to the Civil Service of India, it might be expected that, as he had been in India, but had had no connection with that service, he would adopt the prejudice against it which seized nearly all non-official residents. But, making every allowance for the short comings of the Civil Service, and the incompetency of individual members of it, he thought that, on the whole, no measure was ever passed in Parliament which had conferred so much benefit on India as that which established the Civil Service of that country on its present basis. He believed that it had contributed more than anything else to good government—as far as there had been any—in India, and, therefore, he thought it would be the duty of the House to watch with great care any proposal from the Minister of the Crown which would interfere seriously with that great institution. He entirely differed from the view which the right hon. Gentleman (Sir Charles Wood) took of the statute of 1793. It was a mistake to suppose that the statute prescribed that certain offices were to be filled with civil servants, and that one-third of the appointments which had been made since then were illegal. It would be very strange that such should be the case, and that it should never have been brought under the notice of Parliament. The provision in the statute was that all appointments in the civil line of the Company's service should be conferred on those only who constituted the Civil Service in India, but the statute did not specify what should be held to be the civil line of the service. Its object was to provide that the Court of Directors in England should decide what new appointments in India should be in the civil line of the Company's service, and that it should not be competent for the Governor General, or any of the Governors, to appoint their own friends to offices of such a character; but it never was contemplated by the measure that every person in the Civil Service of the Government of India or discharging any civil duties was to be a member of the Civil Service. At the very hour when the Act was passed there were a vast number of civil appointments in India which were not held by civil servants, and such had been the case to that day. There were two classes of appointments—those in the civil line of the Civil Service, and those in the line of offices held by Natives, and sometimes by Europeans in India. The former class was confined to the Civil Service, while the other was at the disposal of the Governor of India or the Governors of the Presidencies. But, after a time, attempts were made to make appointments to the line without first making representations to the Government in England, and it was to put an end to jobbing of this description that the Act of 1793 was passed. He was not at all anxious to see the Civil Service of the Government, as at present established, extended to all appointments in India. The Government here ought to consider what appointments should be confined to the Civil Service, and what should be thrown open to Natives. Claims for opening the Civil Service had always been made by Governments in the name of the Natives; but when the power of making the appointments was given it was not exercised for their benefit, but in favour of Englishmen who had the command of influence in the local administration. That was the difficulty with which the House had to deal. Ministers always said they were desirous to promote those whose claims were of the highest character; but no such considerations influenced them in the actual exercise of their power. It was used according to motives of which it seemed impossible for men to divest themselves in the discharge of their public duty. The House should take care that it did not open a new field for corruption. He would express no opinion on the proposal of the right hon. Gentleman; but, if he put forward claims on behalf of the Natives of India, there should be some guarantee given that the appointments should be open to merit, and that they should be given to Natives, and not to English adventurers, who set up comparisons between themselves and the covenanted civil servants, and complained that they did not receive the same compensation. If Englishmen were wanted to administer the affairs of India, they should be sent from this country in a regular manner; but if Natives were employed, they should be paid on a scale suited to them. The scale of remuneration to a Native of India was not more than one-fifth or one-sixth an Englishman would receive for discharging the same duty; and if the scale of salaries were fixed on this consideration it would, he thought be a strong guarantee that none but Natives would be appointed to the posts. He did not wish then to express any opinion on the measure of the right hon. Gentleman, which was one of considerable detail; but every one must feel that the course he had taken was intended to improve the public service, and was, therefore, so far deserving of support.

Lord STANLEY thought the House could not be too vigilant and cautious in considering measures of this kind, which, whether for good or for evil, must have a most important effect on the welfare of India, and he would be sorry, therefore, that the Bill should pass without full discussion. As reference had been made by his right hon. Friend to the part which he (Lord Stanley) took in the regulation of the Civil Service of India, he felt bound to take his own share of the responsibility which belonged to the preparation of this measure. Shortly after the transfer of the Government of India to the Crown an inquiry was instituted into the covenanted and the uncovenanted Civil Service; the opinion of the law officers of the Crown was taken; and he (Lord Stanley) then came to the conclusion that it was impossible to continue the exclusive privileges of the covenanted service as they had hitherto been kept up; and when his right hon. Friend became Minister for India, he ventured to sketch out the plan which he had in preparation on that subject. The plan which he was then about to introduce was nearly identical in principle with that which his right hon. Friend now brought forward. As to legislation on the past appointments in India that was a question on which the House had hardly any choice. The hon. Member for the Tower Hamlets (Mr. Ayrton) had expressed doubts whether they were illegal. But that doubt was not shared by the law officers of the Crown; and when grave doubts were raised as to the legality of so many past Indian appointments, he thought they were bound to lose no time in legalizing them and removing those doubts. As to the future, he did not think it was now worth their while to consider whether it was possible to return to the system constituted by the Act of 1793. He thought to any one acquainted with all that had taken place in India during the last twenty years, such a proposition would appear to be simply impossible. Since that time a great number of appointments had been created, and thrown open, in consequence of the insufficient number of covenanted civil servants and the enormous increase of expense which would be necessary if the covenanted service were increased in proportion. As far as these appointments were concerned, the service had been practically opened and must remain so. The practical question before the House now was, whether they would admit persons not of the covenanted service into those higher offices from which up to the present time they had been excluded. On that subject there might be said to be three different opinions. There was first the opinion of a considerable number of the members of the covenanted service, that their exclusive privileges in respect to these offices ought to be maintained. That, for reasons which he would give, he thought to be impossible, and, therefore, it was unnecessary for the present to discuss that view. There was next the opinion that a service with exclusive rights and privileges was unnecessary, and that all appointments should be thrown open; but that was a plan which, in the present state of things, he believed would lead to serious evil. It would create a vast amount of Parliamentary patronage, and special qualification for Indian duty would be neglected in the choice of Indian servants. Third, there was a combination of the two plans, on a principle like that contained in the present Bill, by which the covenanted service would, indeed, be maintained in practical possession of its present rights and privileges, without wholly shutting the door to others who fulfilled certain conditions of qualification. As to the maintenance of the covenanted servants in their present position, he believed, as he had said, they would find that it could not be done. The feeling of the Natives, and still more the feeling of the European residents, was such as to render the maintenance of an exclusive civil service impossible. It was not so much that any individual felt aggrieved at his own personal exclusion, but that the feeling of each was that he belonged to a class which by the law of India was not allowed to aspire to the conduct of the higher offices of the State; that was a position in which Europeans, at least, would never acquiesce. Again, it was impossible to say to members of the uncovenanted service, that, however useful and efficient they might be, there should be a limit beyond which they might not pass. Upon the whole he believed, with the right hon. Gentleman, that all the privileges of the Civil Service ought not to be swept away, but that energetic men now excluded from it should be encouraged to consider themselves as possible members of that body. This would put an end to the feeling of envy with which the covenanted service was at present, not unnaturally, regarded. In this settlement of the question there were, no doubt, two dangers to be guarded against; one was the danger of so diminishing the value of appointments to the Civil Service that men of intelligence and ability would no longer be induced to enter it; and you would thus be compelled to raise other men less intelligent and less able to a position in life to which they were not equal; the other, and the more pressing danger of the two, was that an opportunity would thus be given to the Governor General and other persons in high authority to raise their own friends and dependants to office to the exclusion of those who had gone through the training necessary to fit them for those stations. But these were dangers which might be guarded against, and he thought the securities provided in the Bill of his right hon. Friend were sufficient. In the first place, there was the term of residence in India which was required as a qualification. A Governor General rarely stayed in the country longer than seven years, so that by this provision he would not have the power of appointing any of his own friends, and it was not likely he would go out of his way to perpetrate a job in favour of the friends of his predecessor. Then the requirement of a knowledge of the language of the district to which an appointment was to be made did, though in a less degree, give a security that unfit men would not be chosen. He did not know if these securities were to be inserted in the Bill itself; if not, they ought to be. These were matters of too great practical importance to be left to be dealt with by regulations which were continually liable to change. There was a third security, and he thought it the best of all. Supposing an appointment to have been made from nepotism, and in special favour of some individual, it was not likely that the Secretary of State for India would be willing to take the discredit of recommending the appointment for confirmation; and, if he did, it could not be reasonably supposed that a majority of the Indian Council would confirm it. Appointments would require the threefold sanction of the Governor General, the Secretary of State, and the Indian Council. If these securities were not sufficient, he knew not what would be. They were certainly stronger than any securities that at present existed. But what the House had chiefly to consider was whether the injury done to the members of the Civil Service would not be more than compensated by the increased security and popularity of the service itself to which the European residents in India would now be encouraged to look, instead of its being one from which they felt themselves hopelessly excluded. Under ordinary circumstances he would have reserved his opinion of this Bill till the second reading; but on this occasion, as he had some responsibility in framing it, he thought himself bound to take the earliest opportunity of expressing his opinion in its support.

COLONEL SYKES was somewhat amused that, after sixty-eight years' breach of the law, there should be so much anxiety to satisfy the minds of people in India on that point. The Act was, no doubt, passed to prevent jobbery and corruption, and he agreed that too many securities could not be taken against those evils; but these appointments were in so good hands that there could be little doubt that every care would be taken to guard against anything of the sort. He did not object to the Civil Service being thrown open to all comers who were properly qualified whether they belonged to the Civil Service or to what were called the "outsiders." But he thought to whichever class they belonged that they ought to be highly remunerated. They collected a large amount of revenue, and as judges they had cases before them involving sometimes half a million of money. They ought, therefore, to be placed above the reach of temptation and suspicion. He had no objection to the principle of the Bill.

Mr. H. BAILLIE agreed with the hon. Member for the Tower Hamlets (Mr. Ayrton) that of the three Bills which the right hon. Gentleman had introduced this required the greatest caution on the part of the House. It was admitted that the Act of 1793 was introduced for the purpose of preventing jobs; and that that law had been shamefully evaded, and evaded for the express purpose of jobs, which had been carried on in India to an immense extent. He did not say that there were not cases in which the law had of necessity been evaded, as in the case of the non-regulation provinces; but in these cases it was doubtful whether the law applied, and so whether it had been evaded or not. To take the case of the Punjab for example, there were a great number of civil servants required, while there were none of the covenanted servants that could be obtained for the purpose. He had no opportunity of knowing what were the safeguards to which his right hon. Friend referred; but he had no hesitation in saying that some such Bill as the present was necessary in the condition into which the whole system of the Civil Service had fallen.

Mr. DANBY SEYMOUR said, he agreed with the hon. Member that the Act of 1793 had been introduced to prevent jobbing, but he did not agree that it had been so shamefully evaded. The fact was, our Empire in the East had increased without a corresponding increase in the number of civil servants. He believed that in each of the three Presidencies the Governments had been in great straits, at times, for legally qualified persons to fill certain appointments when they became vacant. He believed that the Government had no power to reconsider appointments when once made, and he thought it would greatly facilitate a right understanding of this measure and the necessity for some enactment of the kind, if the Secretary of State would lay upon the table the correspondence which took place a few years ago in the case of Mr. O'Reilly. Independently of all considerations of justice, he thought some such measure was necessary to keep up the efficiency of the public service in India. There was always a large deficiency of public servants in India, and there was always a large number of uncovenanted servants. The hon. Member for the Tower Hamlets had called those adventurers who went out to India to fill the situations which were vacant there; but surely they were perfectly justified in offering their services. The hardship was that this large number of civil servants, who had shown themselves equal in merit to the covenanted service, were debarred from filling the high offices to which their merits entitled them; and this Bill only enacted that a man who had distinguished himself in the public service should be competent to hold the high appointments to which his merits gave him a claim to aspire. As an instance of the injustice of the present state of things, he might mention the case of Mr. Venables, an uncovenanted civil servant, who during the mutiny remained in his district, and, unaided by any covenanted civil servant, exerted himself energetically and successfully. The merits of that gentleman were recognized by the Government, which regretted that it had not the power, because he was uncovenanted, to appoint him to the posts which he was justly entitled to fill. Mr. Venables could not be allowed to administer the affairs in a district in ordinary peaceful times, though he had shown himself able to do so in a time of mutiny, and the highest reward that could be conferred upon him as an uncovenanted civil servant was £1,200 a year. In order that the House might clearly see how the present regulations acted, he should move for the production of the correspondence concerning Mr. O'Reilly; and he hoped that the House would in the meantime agree that it was desirable to adopt means for advancing civil servants of extraordinary merits, and at the same time to adopt precautions against jobbing.

Sir JAMES FERGUSSON said, that as this country had now assumed the direct Government of India it behoved the House of Commons to be careful that they did not by precipitate legislation produce ulterior evil consequences. A sister Bill to the present one was introduced into the House last year, consisting of one clause only, and which excited very general alarm. That Bill simply proposed to suspend recruiting in the Indian army, and yet it involved the interests of a large service and the position of a large number of officers, who were anything but satisfied with the regulations which that Bill proposed. Although the present Bill was short, yet it might introduce a new principle, and be a departure from those sound principles of good government by which we had so successfully established the British Empire in the East. He was glad to find that the right hon. Gentleman had spoken with the utmost moderation as to the extent to which he intended to interfere with the Civil Service in India. The Civil Service of India was composed of persons who had devoted themselves from their earliest youth to that service. Having once embarked in that service, no other was open to them; and having entered for those prizes which they looked to attain by long service, it was not fair to let in others over their heads to prevent them attaining that object which had induced them to enter the service, and for which they had exposed themselves to a trying climate and suffered a long expatriation. It would be unjust if the best prizes should be taken by civil servants who had not been entered in a regular manner. In the case of those who since the new regulations for opening the Civil Service to competition had entered the service it would be still more unjust, for it would expose the *élite* of the youth of this country to the risk of being shut out from the highest prizes by persons who had better influence and more powerful friends in this country. As Lord Macaulay had said, the civil servants of India were distinguished by integrity, disinterestedness, and public spirit, and their just rights should be respected. He agreed with the noble Lord below him (Lord Stanley), that the regulations which the right hon. Gentleman intended to establish ought to be embodied in the Bill. They ought not to be left to the judgment of the Secretary of State, as one Secretary might have different views with regard to them to those of his predecessor. If it was found necessary at home to lay down precise regulations in Acts of Parliament, how much more requisite must it be when we were dealing with the case of a distant empire. The right hon. Baronet had quoted very high authorities, most of whom were desirous of opening the Civil Service to Natives of India, in favour of his Bill; but he thought that the House ought to have been put in possession of the opinions of the Members of the Council of India on this Bill. A Special Committee of that Council had been appointed to consider this measure, and it was understood that they were not unanimous in their expression of opinion upon it. Some of them saw the danger of placing so much patronage in the hands of the Minister, and required certain safeguards to be introduced. He thought it was a dangerous principle to introduce a Bill of this kind with a few simple clauses leaving to the Minister of the Crown afterwards to fill in the details in any way he pleased, and denying to the Indian Council the opportunity of expressing an opinion upon the subject. Unless the right hon. Baronet produced the papers which he had declined to give the other evening, and unless he consented to introduce into the Bill the regulations to which he had referred, he should himself propose clauses which would prevent men being sent from this country to fill places of profit which were now reserved for the civil servants.

SIR HARRY VERNEY asked whether the Secretary of State would introduce into the Bill a regulation requiring every man appointed under this Bill to have a knowledge of Hindustani?

MR. VANSITTART hoped from the speeches which he had heard that the apprehensions which he had entertained with regard to this measure were unfounded, and asked whether the Secretary of State would lay on the table the dissents of the members of the Special Committee which had considered this Bill? The right hon. Baronet had, with reference to the first of these three Bills, moved for Correspondence which in a great degree supported his measure, and he hoped that he would grant him a similar favour with regard to this one.

SIR CHARLES WOOD, in reply, said, that it would be absurd to require a man who was to be employed in the Madras Presidency to be acquainted with Hindustani—a language which probably no one else in the presidency would understand. He would, before the second reading of the Bill, which he proposed to fix for that day week, consider the propriety of introducing the regulations into the Bill. He did not think it desirable to produce the Reports of Committees of the Council made to the Secretary of State. If the House insisted upon the production of such Reports, the only result would be that the Secretary of State would never appoint a Committee. He might, however, repeat what he had before stated, that he introduced this Bill with the general concurrence of his Council.

Leave *given.*

In reply to a question from Sir MINTO FARQUHAR,

SIR CHARLES WOOD was understood to say that the dissents which were to be produced to the House were such as were prepared by members of the Indian Council in cases in which they dissented from the decision of the majority of the Council, or from that of the Secretary of State, if he overruled the majority.

Mr. DANBY SEYMOUR inquired when the right hon. Gentleman intended to take the discussion on the Bills?

Sir CHARLES WOOD said, he would fix the second reading for that day week.

Bill to confirm certain Appointments in India, and to amend the Law concerning the Civil Service there, *ordered* to be brought in by Sir Charles Wood, Viscount Palmerston, and Lord John Russell.

Bill *presented*, and read 1°, to be read 2° on *Thursday* next, and to be *printed*. [Bill 164.]

EXCISE AND STAMPS BILL.

CONSIDERATION.

Order for Consideration read.

Mr. AYRTON complained that one of the clauses would have the effect of extending hawkers' licences to a new class of persons. The words were "any tradesman or person who went to ask for an order for goods;" and, although commercial travellers and agents were specially exempted from the operation of the Act, it might be argued that shopkeepers themselves fell within the definition.

The CHANCELLOR of the EXCHEQUER said, the law of hawkers was one not easy to construe and apply. The intention of the Bill was not to interfere with the established practice except in one particular case. That was the case of persons who, being hawkers in every other respect, yet escaped the licence tax through selling their goods by sample. The clause would not extend to any person who had a shop.

Clause *agreed to.*

Clause 15 (imposing a penalty on persons signing any agreement for the hire of a furnished house),

Mr. CRAUFURD said, that the words of this clause were so loose that they might make the counsel who was instructed to draw a lease liable to a penalty of £20 for not presenting it with the proper stamp to the parties who were to sign it.

The CHANCELLOR of the EXCHEQUER said, the words to which objection was taken were, "And also any agent or person who shall prepare or be employed in preparing" the instrument. The intention of those words was to bring within the scope of the penalties of the clause the responsible person employed in the preparation of the agreement and who presented it to the parties for signature. The old principle of the Stamp Laws made attorneys and solicitors who prepared such agreements liable to a penalty for presenting a document to the parties which was not duly stamped. That was still the law of the land; but it was not usual to sue for these penalties, because the legal profession generally obeyed the law and presented to their clients documents with the proper stamp. But it was well known that house agents often framed these agreements without the intervention of a solicitor; and the object of the clause, therefore, was that the person whose business it was to present the agreement to the parties in order that it might be executed should be liable to a penalty if he did not present it duly stamped. The words of the clause were, he thought, not too wide, and any court of law would, doubtless, confine them within the plain reason and object of the enactment. No person would be able to sue under this clause except the revenue authorities.

Mr. AYRTON was not aware that attorneys and solicitors were bound under a penalty, as the right hon. Gentleman stated, to see that every deed they prepared was duly stamped, and he should be glad to have the statute containing such a provision pointed out to him. One difficulty was this, that there was nothing to connect the default of the agent with the default of getting the agreement stamped. There was another difficulty, arising from the fact that it was not stamped paper exclusively which was to be used, because adhesive stamps might be applied. On looking at the whole clause, he could not but think that we were going far in the direction of penal legislation with respect to stamps. At present an agreement might be stamped six weeks after signing; but if this clause were passed a person could not sign a paper at the moment without the necessary stamp. The time might be late at night or early in the morning, and the place one at which a stamp could not be procured at the moment; and, therefore, it was going very far to say that a person must not sign the agreement without affixing the stamp. This was an abrogation of the present law for which there was no necessity, because the provision applying to the non-validity of unstamped agreements was sufficient for all purposes. It was not necessary that these agreements should be in writing at all, and people ought rather to be encouraged to make use of written agreements, in order to prevent misunderstandings, than be deterred from so doing by legal obstacles such as those now proposed by the right hon. Gentleman. The House ought not to deal with a question like this as if penalties were matters of course. It was not sufficient to say that the authorities would not be likely to make any undue use of a penal enactment—it was the duty of Parliament to consider very carefully how far there was a necessity for any penalty before it consented to it. He was sorry to say that in this respect the reformed lost by comparison with the unreformed House of Commons. Previously to the Reform Act the Members of the House of Commons felt that they occupied a position in which they were jealously watched by the people, and in which great caution, when dealing with matters like that now under discussion, was necessary on their part; but now it seemed to be very much the custom to have a popular cry, and to pay but little attention to legislative details on subjects to which that cry did not apply. He begged to move as an Amendment to leave out the words, "and also any agent or person who shall prepare or be employed in preparing the same."

Amendment proposed, to leave out from the word "Instrument," in page 6, line 12, to the word "shall" in line 13.

MR. CRAUFURD thought the remarks of the hon. and learned Gentleman (Mr. Ayrton) applied to the whole clause.

MR. HADFIELD objected to the clause because it imposed the penalty on the person who prepared the document, and not on the offending person who got the signature attached.

MR. HENNESSY asked the Chancellor of the Exchequer whether or not this clause altered the law which permited the stamping of agreements with respect to the six weeks?

THE CHANCELLOR OF THE EXCHEQUER was not aware that there would be any alteration in the law of agreement with respect to subsequent stamping.

Question—"That the words proposed to be left out stand part of the Bill"—Put, and *agreed to.*

On Motion that the clause, as amended, stand part of the Bill,

MR. AYRTON said, he had not divided on his Amendment in deference to some hon. Members who preferred voting on the clause. He opposed the clause because it would introduce the singular anomaly of making it penal to do what the law allowed. A letter and its answer constituted an agreement in law with regard to letting apartments, if stamped, and the law permitted the stamping of one of these documents when the transaction was completed. The present clause abrogated that provision by requiring the stamp to be affixed before the agreement was completed under a penalty. Before they passed such a clause they should abrogate the whole law of agreements. He trusted this system of penal legislation would not be persisted in. He thought it most objectionable that the Board of Inland Revenue should have the power of imposing these penalties or not at their pleasure.

MR. HENNESSY said, the clause would impose the penalty of £20 on the second of two parties to an agreement who did not, because he could not, sign on the stamp, simply because the stamp had been already obliterated by the first signature.

THE CHANCELLOR OF THE EXCHEQUER observed that precedents of similar penalties were abundant, and they all rested on the principle of this clause. The objection of the hon. Member (Mr. Ayrton), indeed, went far beyond the clause, and was directed against the whole provision of the law which required that documents should be written on stamps. The after-affixing of the stamp was the exception not the rule. In the case of policies of insurance, bills of exchange, promissory notes, proxies, &c., parties were liable to positive penalties for not making use of the proper stamp. It was said that many of these agreements were made by correspondence, and arose constructively out of the effect of correspondence. On that point he entirely agreed with the hon. Member for the Tower Hamlets. But with such cases this clause had nothing to do. It was meant to apply, and he was advised that it did apply exclusively to those cases in which formal agreements were drawn, intended to be signed in common by the parties. If words could be devised, unexceptional in themselves, and excluding these constructive agreements, the joint effect of correspondence, in order to make the intention of the clause more clear, although he was advised it was clear already, he should make no objection. He wished to act on the principle on which they had acted in regard to bills and parcels, to make a low charge, and to take security by means of a penalty against any evasion of the charge. These transactions were of a very fugitive character, and hardly ever came under the view of any person but those immediately concerned, and there would be no security for the payment of the charge without a penalty.

Mr. HADFIELD said, the hon. Member for the Tower Hamlets was quite right in calling attention to the matter. He objected that where correspondence was going on, and the person letting apartments consented to accept the proposal, the agreement being thus made, by this clause the person sending the letter would be rendered liable to a penalty for not writing on a stamp. He hoped the clause would be withdrawn.

Mr. HENLEY said, that half the transactions in life were matters of correspondence, and if a memorandum were made, and a penalty enforced because it was not stamped, it would be introducing quite a new law, which would be carried out into all the other descriptions of stamps. It appeared to him that this was a matter of very grave consideration. If a difference arose which had to be settled in a court of law it was usual to get such agreements stamped on paying the penalty, in order that they might be available as evidence; but there was nothing to compel people to stamp such agreements, if they did not wish to do so. If he understood the clause aright there was to be a penalty imposed if an agreement was not stamped, whether the parties wished to use a stamp or not. This was introducing a new state of things which might prove very serious indeed. He wished to know whether it was intended to enforce the penalty if the memorandum was not subsequently required to be stamped?

Mr. CRAUFURD said, that by the old Stamp Laws a deed could be stamped on payment of the penalty and brought into Court for examination, but the Court took no notice of the previous omission of the stamp. Now, however, the Court took judicial notice of the want of a stamp, and inflicted an additional penalty. This, he thought, gave sufficient protection to the revenue. The effect of the clause might be to encourage verbal contracts, and thus the revenue would rather suffer by it than otherwise. The whole of the circumstances had evidently not been taken into consideration by the advisers of the Inland Revenue, because it was clear that it would make almost every letter a constructive agreement. He thought the clause should be withdrawn.

Mr. PULLER said, that there was no other case in which an immediate penalty was inflicted when liberty was given to the parties to stamp the agreement afterwards. The penalty which was inflicted upon the parties for not obliterating stamps was quite sufficient to meet the case.

The CHANCELLOR of the EXCHEQUER said, that he was quite prepared to amend the clause by inserting words to this effect, "provided that nothing herein contained should be considered to render persons liable to a penalty on account of any letters or correspondence by post, containing proposals for the letting or taking of a house." He must say that if the objections to this clause were so strong as to ensure its rejection, he must also drop the clause which provided for the reduction of the duty, taking his chance of getting the present high duty where he could upon agreements for letting houses.

Mr. SPEAKER stated that the Proviso could not be added unless the Amendment were withdrawn.

The CHANCELLOR of the EXCHEQUER said, that he would bring it up at a subsequent stage.

Motion made, and Question put, "That Clause 15, as amended, stand part of the Bill."

The House *divided*:—Ayes 72; Noes 38: Majority 34.

Bill to be read 3° *To-morrow.*

PROTESTANT WORSHIP IN SPAIN.

QUESTION.

Order for Committee (Supply) read.

Sir ROBERT PEEL: Sir, I wish, before the House goes into Committee, to address to the noble Lord the Secretary for Foreign Affairs a question, of which I have given him private notice in writing. I think it, in the first place, due to myself to say that I had no wish to intrude on the attention of the House in the early part of the evening—[previous to the postponement of the Orders of the Day]—and that in rising then I simply desired to give the noble Lord intimation that it was my desire to suit his convenience in drawing attention to the subject to which I am about to advert. The Speaker, however, having, in the courteous discharge of the duties of his office, called me to order, I at once gave way, and, though I am reluctant now again to trespass on the time of the House, yet I am quite sure hon. Members will perceive, from the contents of a letter which, with their permission, I will read to them, that the question to which it relates is one deserving of serious consideration, affecting, as it does, not one, but 700 of our fellow-countrymen in a foreign land. The inquiry which I have to address to the noble Lord is, What steps, in consequence of a pledge which was given some nights ago by the Prime Minister, have been taken by Her Majesty's Government with reference to the religious persecutions to which British merchants, 700 in number, resident in the South of Spain, are subjected, notwithstanding the assurances that indulgence would be extended towards them which have been received by the noble Lord from the Spanish Minister? I wish also to learn whether the noble Lord has any objection to lay on the table copies of any Correspondence on the subject which may have passed between the English Government, their agents in Spain, and the Spanish authorities? Now, it will be in the recollection of the House that I put a question about three weeks ago to the Prime Minister, in the absence of the Foreign Secretary, with regard to the outrages which have been committed with the official connivance of Her Majesty's Vice Consul at Xerez, against a number of British subjects resident within the official district of the Consulate of Cadiz. The noble Lord at the head of the Government gave upon that occasion an explanation of that satisfactory nature to be expected from the frankness of his character; but I received a letter only yesterday from the South of Spain, on behalf of a numerous body of merchants, informing me of facts of which I was not before aware. We were told by the noble Lord the Secretary for Foreign Affairs, on the 17th of April last, that the Spanish Minister had given assurance that every indulgence would be extended to the British merchants and families resident in the south of the Peninsula; but I did not then know that which I can now affirm, that those merchants were in possession of direct and positive authority from the British Minister at Madrid, to hold the services of the Church of England in their own houses in that part of Spain. It appears, however, that, in direct violation of the sanction thus given, this privilege has been withdrawn, and I feel assured I do not appeal in vain to the House of Commons when I ask them whether the fact that 700 of their fellow-countrymen are forbidden, not only in the Consul's house, but in their own private residences, to pursue the exercise of that religion which is the faith of the country to which they belong, is not one which calls for some expression of opinion on their part? The information which I have received shows, I regret to say, that the noble Lord the Secretary for Foreign Affairs has not acted up to the assurances which were given us by the Prime Minister, because, up to the 27th ult., no proceedings had been taken on this subject by our Minister at Madrid or the Consul at Cadiz, so far as I am informed from credible sources, in consequence of any despatch received by them from the Foreign Office. I will now, if the House will allow, read the letter to which I have alluded, which has not been got up for the purpose, of creating a fictitious sympathy, but which comes from an honest English merchant, representing a large number of his fellow-countrymen. The letter is as follows:—

"Xerez de la Frontera, May 27.

"Up to the present Mr. Brackenbury has received no communications either from the Foreign Office or from the British Legation at Madrid as regards this case; and, consequently, he does not feel himself justified, as I learnt from an interview I had with Mr. Brackenbury yesterday, in referring to the British Government the whole case as it stands. It may be interesting for you to know that by the late census we have under our Consul's district (Mr. Brackenbury's) no less than 700 British subjects—namely, 400 males and 300 females—all of whom are deprived of the services of our Church. A large number of these are families of engineers, with young families, among whom our late curate had commenced a steady and useful work, by devoting three days in each week to visiting them and teaching the young children. Were Mr. Vice-Consul Gordon to allow us protection of our flag, all might go well. In this hope I address you."

Now, it is, I contend, rather too bad of the noble Lord, who can exert himself actively enough in party and political squabbles, to neglect in this respect the duties of the office which he is charged to administer. Those merchants whose cause I am pleading are surely entitled to some respect, and the noble Lord must be aware that the reports, as well from our Minister at Madrid as from our Consuls in other parts of Spain, clearly prove that a system of persecution is carried on in that country to an intolerable degree, not against Spaniards only—of them I will say nothing now—but against our own fellow-subjects, who expect to be supported by the British

Government in the enjoyment of those privileges which they are unquestionably entitled to exercise. In finding fault with Vice-Consul Gordon, I am happy to be able to say that he is an exception to the general practice pursued by our representatives in Spain. For example, our Vice Consul at Seville is a Roman Catholic. Nevertheless, his drawing-room is open to British residents in that city—and there is a large glass factory there in which numbers of Englishmen are employed—for the purposes of Divine service. Another of our Consuls has actually fitted up a chapel for the celebration of the services of the English Church. Yet, notwithstanding these examples, Vice Consul Gordon forbids our fellow-countrymen within his jurisdiction not only to enter his house but to exercise the rites of their religion under the British flag. This is a case, Sir, which it clearly becomes the House of Commons carefully to consider. I do not mean to trespass upon the time of hon. Members now by entering into further details with respect to it, but I would ask the noble Lord the Secretary for Foreign Affairs if he would seriously direct his attention to a matter which these merchants whose cause I am advocating declare to be of vital importance to them—namely, that facilities for holding Divine service on the Sabbath should be afforded them—a privilege, with an earnestness with which we must all sympathize, they maintain to be of as much importance as the free exercise of civil rights. I trust the noble Lord may be able to give us some assurance that the severity which has hitherto been resorted to in the case of those gentlemen is likely to be abated, and that the promises of greater indulgence in their regard given by the Spanish Minister may be carried into effect.

Lord JOHN RUSSELL: The hon. Baronet has come down to the House, and, without any notice to me that he was about to make such a charge as the present—

Sir ROBERT PEEL: I wrote to the noble Lord.

Lord JOHN RUSSELL: In the evening, after I came into the House.

Sir ROBERT PEEL: The noble Lord was not in his place yesterday or the day before.

Lord JOHN RUSSELL: That is true, but the usual mode of proceeding is to give notice in the Votes. The course, however, which the hon. Baronet took was to inform me about five o'clock this evening that he intended to introduce to the notice of the House the question of the persecution of the Protestants in Spain, giving no intimation of his intention to bring the charge against me that, my noble Friend at the head of the Government having given a pledge that certain matters should be inquired into and certain grievances as far as possible redressed, I entirely neglected to do anything towards redeeming that pledge.

Sir ROBERT PEEL: I beg the noble Lord's pardon—

Lord JOHN RUSSELL: That was the hon. Baronet's statement.

Sir ROBERT PEEL: I beg the noble Lord's pardon. What I said was this, that the communication to which I referred was written to me from Cadiz on the 27th of May; that the writer stated he had, on the previous day, seen Consul Brackenbury, who informed him that up to that time he had received no communication on the subject from either the British Minister in London or the British Legation in Madrid; and, therefore, I think I was justified in saying that the noble Lord had not paid that attention to the matter which I was led to believe he would have given to it.

Lord JOHN RUSSELL: I have no doubt that when the gentleman wrote the letter he thought Mr. Consul Brackenbury had not received a communication; but the hon. Baronet is hardly entitled to say that I entirely neglected the matter. The fact is that, my noble Friend having informed me what had passed in the House, I examined and considered the papers relating to the subject, and immediately took steps to remedy the evil complained of. Those steps were taken a very few days after the hon. Baronet had put his question. It is quite true, as the hon. Baronet has stated, that Mr. Gordon, our Vice Consul, had acted quite unjustifiably, because though, being a Roman Catholic, he would not allow his house to be used for Protestant worship, yet when the British merchants and inhabitants pointed out another person, a British merchant, as being willing to give up his house for that purpose, Mr. Gordon said that that proceeding would be against the law of Spain—that Protestant worship was only permitted in Spain under the flag and in the house of the Consul or Vice Consul, and that he could not be a party to such an infraction of the law as was suggested. I make some allowance for Mr. Gordon saying that he did not choose to have Protestant worship in his own house, but then I think he was bound to give every facility for the performance of Protestant worship elsewhere. Sir Andrew Buchanan, when this letter came to his knowledge, suggested to Mr. Brackenbury that it would be well, as Vice Consul Gordon felt bound by his conscience not to allow Protestant worship in his house, for him to point out some other person who would act as vice consul without having the same scruples in respect to the service of the Church of England. That letter was written some months ago, but Vice Consul Gordon did not offer any resignation of his position. What I did after reading the correspondence was this —I wrote to Mr. Brackenbury, desiring him to point out some fitting person to act as Vice Consul at Xerez, and I ordered that proper communications should be prepared in order that an *exequatur* might be obtained from the Spanish Government for the person so appointed. It is quite true that a short time elapsed before this was done, for owing to a multiplicity of business the matter escaped my notice; and, therefore, it is quite possible that Mr. Brackenbury might not have received it up to the 27th ult. But as soon as I receive from Mr. Brackenbury the name of a fit person to act as Vice Consul at Cadiz I shall immediately apply for an *exequatur* for him. I think this but fair, because, considering the circumstances in which not only Protestant but Roman Catholic vice consuls have allowed Protestant worship to take place, there appears to be some peculiar hostility to the celebration of Protestant service on the part of Mr. Gordon. With regard to what has been taking place of late years in Spain, Sir Andrew Buchanan, who has been some time in Spain, does not share in the opinion expressed by the hon. Baronet. Sir Andrew Buchanan says that, so far as the Spanish Government are concerned, they do not wish to execute the law in a manner at all oppressive and injurious to British merchants; and he mentions as an instance, that when Lord Howden was at Madrid, that noble Lord wrote word that in consequence of the exertions of my noble Friend near me (Viscount Palmerston) who was then Secretary of State he had obtained permission for the formation of a cemetery at Madrid, where Protestants might be buried; but it was cautiously provided that there should be no procession, and that the clergyman should not wear his surplice or other ecclesiastical habit; whereas, shortly after his appointment as Envoy, there took place at Madrid the funeral of a Protestant, followed by a procession of a great number of persons who had known the deceased, and a Protestant clergyman, wearing his surplice, performed the funeral service; and this, Sir Andrew Buchanan thinks would not have been allowed several years ago. I will not enter further upon the general question, but when I receive a letter from Consul Brackenbury, and the Correspondence is complete, I will produce the papers, and the hon. Baronet will then be able to judge of the case from a knowledge of all that has passed.

SIR ROBERT PEEL: I do not mean in any way to cast any imputation upon the noble Lord, but I wish to point out that as it takes only five days to communicate with Cadiz, and four weeks have elapsed since the answer of the noble Lord (Viscount Palmerston) was given, I thought upon the receipt of this letter of the 27th May that the noble Lord might in the hurry and flurry of political discussions have forgotten the subject. But I wish to make this further observation—perhaps by way of explanation — with respect to the statement of the noble Lord, that in Lord Howden's time there was a certain amount of liberty of conscience allowed to Protestants, that since that time laws have been passed abolishing all that took place in Lord Howden's time.

LORD JOHN RUSSELL: What I said was that Sir Andrew Buchanan had stated that, whereas in Lord Howden's time certain things were not permitted by Spanish law and by the Spanish Government, some of these things were now permitted.

RELIGIOUS INSTRUCTION IN GAOLS.

OBSERVATIONS.

MR. VINCENT SCULLY said, that the hon. Baronet the Member for Tamworth had referred to a subject affecting 700 British subjects in Spain; but the subject to which he now wished to call the attention of the House referred to thousands of British subjects in this country, and involved a case of much greater oppression and religious persecution. He was told that quite close to that House there stood the Tothill Fields Prison; and in that prison, as in all others, the unfortunate Roman Catholic inmates were debarred from all religious worship, and that a priest was not allowed to minister to them. Some months ago the Roman Catholic clergyman was allowed to meet the Roman Catholic inmates of Tothill Fields Prison in a cell, a dozen at a time. The privilege was afterwards extended, and the Roman Catholic clergyman was allowed to meet them altogether in a corridor; but, as that arrangement was considered to interfere with the discipline of the prison, the clergyman was again obliged to address them in batches of ten or twelve. This privilege was afterwards withdrawn, and he could not blame the prison authorities, as the Solicitor General had given it as his deliberate opinion that, according to law, the Roman Catholic clergyman could only address the prisoners individually. He hoped the hon. Baronet would succeed in his object; but he thought that when their attention was called to the grievances of British subjects abroad, they ought also to look a little at home. He hoped the hon. Baronet would assist in relieving his own countrymen confined in English prisons from this sort of religious persecution.

Mr. WHALLEY agreed with his hon. and learned Friend that it was to be regretted that his co-religionists were deprived of the services of their priests, and especially that their unfortunate position prevented them from attending their regular places of worship; but there might be good reasons for this, which did not at all apply to the case of the Protestants in Spain, which had called forth the remark. Prisons were places intended for reforming criminals; and as he had not been contradicted, and could not be contradicted, in the statement which he made the other night, that Roman Catholic priests were enjoined, as part of their religious duty, to teach contempt and disobedience of the laws of this Protestant land, and which duty they were often known most zealously to perform, it appeared natural enough that the poor prisoners while under the public charge should be saved from the risk of such teaching. Add to which, if Roman Catholics could demand admission for their priests, every person of every other denomination of Christians could, with far more reason, demand like admission for their spiritual teachers. Moreover, Roman Catholic priests also almost invariably attempted some proselytism or some breach of the law if admitted within gaols or workhouses, and no wonder, for it was their positive duty to violate rules which prevented their effecting what they believed to be for the good of their Church. Thus, in addition to the general difficulty of admitting ministers of any creed to gaols, there was a special objection to the Roman Catholic priest.

Mr. CLIVE said, he believed it was not the case that Roman Catholic inmates in Tothill Fields Prison were debarred from religious worship. He would, however, inquire into the facts, and if the hon. Gentleman would give notice and ask him a question on the subject he would be prepared to state exactly what the facts were; and he would ask his hon. and learned Friend the Solicitor General to give his legal opinion on the subject.

Mr. W. WILLIAMS said, that having been a visiting magistrate for twelve months at Tothill Fields Prison, he could state that during that time no complaint had been made by the Roman Catholic prisoners that they were deprived of the opportunity of religious instruction.

ANCHORS AND CHAIN CABLES.

QUESTION.

Mr. LINDSAY said, that the other night he called the attention of the House to the price paid by the Government for anchors. He then showed that the Admiralty were paying three times more than the market price for anchors, and that the contract for anchors had been for twenty years in the hands of one firm, and was not open to competition. Since then he had received a letter from a large manufacturing firm of iron chains and anchors in the north of England, stating that the Spanish Government were paying them £20 per ton for anchors less than the Government were paying, and that these anchors were to be exactly the same as the Admiralty anchors, and to be proved by the same tests. They further stated a fact of which he (Mr. Lindsay) was certainly not aware before; and this only showed the advantage that was gained by discussions in that House. It was this: that the contracts for chain cables as well as for anchors were not thrown open to public competition, but were placed in the hands of a particular firm. He hoped the noble Lord would state what were the prices that were paid by the Government for chain cables. Out of 792 anchors supplied in 1855 125 were rejected, because they would not stand proof; whereas another firm which had supplied anchors for fifteen years had only one rejected. He wanted to know how it was that that same firm which supplied the anchors had the exclusive opportunity of supplying cables also?

LORD CLARENCE PAGET said, he had distinctly told his hon. Friend that the same firm supplied both the anchors and the cables. In 1841 there were two firms which contracted for chain cables and anchors as well as Mr. Lennox Brown. Those firms had since failed, and since then Mr. Brown alone had supplied them. He would now state that if any firm would make a proper offer to the Admiralty they would be prepared to consider it, both as regarded anchors and cables. The prices charged by the present contractors were occasionally revised, according to the market prices of the day, and, therefore, it was not fair to say that the Admiralty were paying at an excessive rate for their anchors and cables.

IRON SHIPS.—OBSERVATIONS.

SIR JAMES ELPHINSTONE wished to call the attention of the House to the improvidence of using timber which had been already cut, in the construction of the frames of iron ships. These timbers had been cut for ships with "rising floors," and it was not yet settled what was the best form for iron ships. He objected to iron ships being constructed until the previous question as to their form was settled. He intended at the proper time to move that no contract for iron-clad vessels be entered on, by converting timber ships or otherwise, until the form best calculated for efficient men-of-war be decided on by a committee of men of science and men of practical knowledge. He objected to any "reconstruction" of the navy until this preliminary question were settled, for otherwise great and useless expense would be incurred. The reason for using those timbers already cut seemed to be to keep out of the Estimates for the present every item of expense possible; but it would be the height of folly for the purpose of keeping the expenses of this iron fleet out of the current expenses of the year to run the risk of having to reconstruct our navy.

MR. BENTINCK thought that it deserved consideration whether the application of these already-cut timbers to iron ships would not result in a complete failure, and the House should also consider whether the object in keeping out of the present Estimates every possible item of expense was not, by keeping down the Estimates, to bolster up an unfortunate Budget. He should be glad to have an assurance from the Government that the real intention was not to make the figures meet, and to throw dust in the eyes of the House as to the likelihood of an augmentation of the Navy Estimates being needed.

SIR FREDERIC SMITH thought, that the Admiralty were placed in very great difficulty in the matter. One set of Gentlemen called on them to get up as rapidly as possible a fleet of iron-cased ships, and another blamed them for endeavouring to make the best of the resources at their command. They could not prepare such a fleet as seemed to be necessary immediately if they did not cut down some of their three-deckers. While on this subject he would beg permission to remind the House that they were at the present moment in perfect ignorance as to whether the *Warrior* would or would not be able to resist the description of shot to which she would be exposed in the event of being engaged with an enemy's ship armed with rifled cannon. Some officers of great experience were of opinion that she would not. He thought the questions of thickness of the iron-casing; of the midship section of the ship which would regulate the general shape; and of the power of resistance of the bow and stern to heavy shot should be determined as soon as possible.

LORD CLARENCE PAGET in explanation said, that in constructing the five ironships it was intended, whilst using the already cut timbers, to lengthen the vessels twenty feet amidships, so that they would get rather flatter floors and great additional displacement, in order to enable them to carry their armour and their guns. With regard to the question of cutting down line-of-battle ships, a measure which probably ere long will have to be undertaken with a view to casing them with iron, it must always be remembered that their displacement, particularly the smaller ones, is not sufficient to enable them to bear the weight of a very powerful armament, and that they will only be available for coast defences, with very light masts and small stowage of provisions.

Motion *agreed to.*

SUPPLY—NAVY ESTIMATES.

House in Committee.

MR. MASSEY in the Chair.

(In the Committee.)

Question again proposed,

"That a sum, not exceeding £469,835, be

granted to Her Majesty, to defray the Charge of New Works, Improvements, and Repairs in the Naval Establishments, which will come in course of payment during the year ending on the 31st day of March, 1862."

Sir FREDERIC SMITH asked for an explanation of an item of £160,000 which appeared in reference to works at Chatham. He wished to know whether it was included in the total of £902,000 with regard to which a Committee was to be appointed? He also wished to know whether the Committee would have the power to consider other plans besides those proposed by the Admiralty, and select that which they deemed the best; because he was sure that eminent civil engineers would not entirely approve the plan of the Government? He was of opinion that £902,000 would not be sufficient for the works contemplated unless convict labour only was used, and in that case the delay would be so great that no Member of the House would live to see them completed. He complained that only £1,400 was taken for the naval barracks at Devonport, estimated to cost £80,000. It was a pressing service, and they were told the plans were not yet matured. If a civil architect had been asked to supply the plans they would have been ready in six weeks or two months; but with the great amount of business in the department of the Director of Works, delay was inevitable, notwithstanding the great ability and industry of that excellent officer Colonel Greene, who is now at the head of that Department. He asked for several explanations of small items, and concluded by moving, in pursuance of notice, to reduce the Vote by £3,225 for additional accommodation for spinning machinery at Chatham, which he believed to be unnecessary, the more especially, as he understood, that the machine spun rope was vastly inferior to that spun by hand.

Mr. WHITBREAD said, that Government had agreed to strike out that item. As to the £160,000 put in the first column, it was the estimate which had stood for years for the embankment of St. Mary's Island and the erection of a masthouse. It did not include the docks or basins, or any of the large works for which the estimate amounted to £902,000. The sum voted by Parliament last year for new works, &c., had been more nearly exhausted than usual. Only a small sum was taken for the naval barrack, because a site had not yet been acquired. He hoped, however, that they would soon get one.

Motion made, and Question,

"That the item of £3,225, for Additional Accommodation for Spinning Machinery at Chatham, be omitted from the proposed Vote."

Put, and *agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £466,610, be granted to Her Majesty, to defray the Charge of New Works, Improvements, and Repairs in the Naval Establishments, which will come in course of payment during the year ending on the 31st day of March, 1862."

Sir MICHAEL SEYMOUR asked for explanations as to the naval barracks at Devonport. He hoped that accommodation would be given alike to officers and men.

Lord CLARENCE PAGET said, it was expected that the barrack would accommodate 2,000 men and officers, very much upon the system of military barracks. He was not prepared to say that it would possess all the room and convenience of a permanent military barrack. Economy would have to be studied, but every moderate comfort would be provided for both officers and men.

Mr. W. WILLIAMS complained of the continued expenditure on Keyham dockyard, which, up to the 31st of December amounted to £1,334,000, and greatly exceeded not only the original but the supplementary Estimates.

Sir JAMES ELPHINSTONE thought that a sailor had as much right to be well lodged as a soldier, and he objected to anything like a reduced system of accommodation. These barracks ought to be part of a system, and ought to be built in relation to the duties the men would have to discharge in connection with their ships. He wished to know what had been done towards dredging out the bar at Portsmouth harbour? The Government had acted most wisely in beginning the principle of salting their own provisions, for he was sure that if the measure was carried out a very superior article might be served out to the seamen.

Mr. CHILDERS objected to the ordinary annual expenditure for dockyards being brought into this Vote, which was especially for new works.

Lord CLARENCE PAGET said, that the question of converting the Naval Hospital at Yarmouth into a lunatic asylum for the reception of the patients who were now kept at Haslar Hospital was under consideration. There were, he knew, some objections entertained to the proposed asylum, but he believed the site was an eligible one. As to the Vote for machinery, it had been the practice of late years to introduce hydraulic cranes and other mechanical appliances into the dockyards, in order to supersede manual labour; and those changes were, of course, attended with a considerable outlay.

ADMIRAL WALCOTT hoped the Admiralty would reconsider their determination with respect to the hospital at Yarmouth.

MR. WHITBREAD admitted that the water at that hospital was not the very best, but other water of a very good quality could be easily obtained in the neighbourhood.

MR. W. WILLIAMS said, that his question had not been answered relative to the works at Keyham.

MR. E. P. BOUVERIE asked whether the Government would lay on the table the papers respecting the establisment of a lunatic asylum at Yarmouth? Yarmouth would, he was afraid, be an inconvenient situation for such an institution, which ought to be in close promixity to our great naval establishments. It was rather alarming to hear that the asylum intended for invalids was not provided with good water.

LORD CLARENCE PAGET had no objection to the production of the papers in question if his right hon. Friend moved for them. With regard to the works at Keyham, no doubt they had cost more than was originally expected; but, as we had been increasing the size of our ships, it was necessary to enlarge our basins, dock-gates, slips, and, in fact, everything else in proportion.

MR. LINDSAY had great doubts whether Chatham was the right place to provide additional basin accommodation. This ought to be left to the decision of the Select Committee; and till that Committee had given in its Report he thought they ought to pause. He would move, therefore, that the Vote of £15,000 for these works at Chatham be omitted.

LORD CLARENCE PAGET said, an increase of basin accommodation for the English navy was urgently required. The French, with a smaller number of ships, had a much greater acreage of such accommodation. For this purpose Chatham was the best naval port in the kingdom; it was the most difficult of access, and the best protected by nature. It was, therefore, the safest position for works of this kind. The next question in connection with such great works was where they could be executed cheapest. St. Mary's Island was public property, and the narrow creek running between the island and the dockyard could, by very little engineering skill, be scooped out into basins. At Chatham there was a large convict establishment, and bricks could be made there. About £10,000 of the Vote was required to close up the creek.

MR. CONINGHAM said, that one of the greatest arguments in favour of Chatham was that it was a good place for making bricks, which was a singular reccommendation for shipbuilding. It was certainly secure, and likely to be more so, for he believed it would soon be high and dry. In a few days public opinion would be much enlightened on this subject, when he believed the whole scheme must be abandoned.

MR LYGON said, the question as to convict labour had been practically decided by a former Vote.

MR. DALGLISH doubted if it was desirable to employ convict labour at such expense on the embankment. If the Medway was to be deepened the expense would be still more enormous. What advantages had Chatham over other ports for building iron ships? They could be built cheapest where coal and iron were nearest. For iron ships the Admiralty should have chosen the Mersey or the Clyde. He should support the Amendment of the hon. Member for Sunderland.

SIR FREDERIC SMITH said, that Chatham was not selected for the purpose of building iron ships. This plan was adopted before iron ships were thought of, and its great recommendation was that it was an inland port, and instead of requiring to be fortified like Portsmouth, it could be defended against any enemy at little cost by a few ships. He hoped that the Committee about to be proposed would be granted; but in any case, this extension of basin accommodation would be necessary, and he hoped the hon. Member would not press his Amendment.

Motion made, and Question,

"That a sum, not exceeding £451,610, be granted to Her Majesty, to defray the Charge of New Works, Improvements, and Repairs, in the Naval Establishments, which will come in course of payment during the year ending on the 31st day of March, 1862."

Put, and *negatived.*

Original Question, as amended, put, and *agreed to.*

House *resumed.*

Resolution to be reported *To-morrow.*

Committee to sit again *To-morrow.*

HIGHWAYS BILL.—SECOND READING.

Order for Second Reading read.

Sir GEORGE LEWIS hoped there would be no objection to the second reading of this Bill, which had been frequently postponed. There was no opposition, he believed, to the principle, and the whole subject could be fully discussed in Committee.

Mr. HODGKINSON said, an hon. Friend of his, who intended to move an Amendment, had left the House, believing that the Bill could not come on to-night.

Sir GEORGE LEWIS observed that the only Amendment that could be moved on the second reading was that it be read that day six months.

Mr. HODGKINSON said, that was precisely the Amendment his hon. Friend intended to move.

Motion made, and Question put, "That the Bill be now read a second time."

The House *divided:*—Ayes 110; Noes 31: Majority 79.

Bill read 2°.

INDUSTRIAL SCHOOLS BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clauses 1 to 7 inclusive *agreed to.*

Clause 8 *postponed.*

Clause 9 (Description of Children liable to be sent to School),

Mr. HENLEY expressed an opinion that the wording was too vague, and asked how it was intended that the commission of "an offence punishable at law" should be proved? Was it by the record of a previous conviction, or by hearsay evidence of some person, who had been told by somebody else, who had heard from the relieving officer that an old woman had informed him that the child had stolen an apple? The description "frequents the company of reputed thieves" was likewise vague and objectionable. These institutions were really doing a great deal of good, and the managers of them would do well not to make the drag-net too wide, otherwise they might raise up some feeling against them.

Sir GEORGE LEWIS replied that if the wording of the clause was confined to previous convictions it would limit the operation of the existing law, which conferred on magistrates a power of committing under the Vagrant Act, though, in practice, that power was inoperative, as magistrates felt afraid to exercise it. The definition having regard to "reputed thieves" had been introduced with the same object, of increasing the discretionary power of magistrates. "Reputed thieves" was a phrase having a perfectly recognized meaning in the police courts. But if it is was feared that these words were so loose that they might be used arbitrarily he had no objection to their being altered.

Mr. LIDDELL, as a magistrate, bore testimony to the difficulty which was felt in administering the existing law.

Mr. KINNAIRD hoped the clause would be retained in its present shape, as it was very desirable that the class referred to should be brought within the provisions of the Act. "Reputed thieves" were, in fact, very well known characters. Their appearance was as familiar to the police as that of any hon. Member. If any Gentleman chose to accompany a police-officer to their haunts he could point them out one by one. They were, in fact, as notorious as the leaders of that House.

Mr. HENLEY was glad his hon. Friend had so explicitly stated the operation of the clause. The objection which he felt was levelled precisely at this discretionary power of locking everybody up. He had no doubt the policeman at the door entertained his own opinion of every hon. Member who passed him, and that not in all cases of a complimentary character. Policemen were like mad doctors, who thought everybody mad, and would prove it too, if they were paid for it. He felt sure, if they accompanied a policeman, as proposed, they would hear him say of a good many persons, "That feller ought to be locked up." "As for such a one, he ought to be hanged." How were they to know anything, about "repeated thieves," unless they lived with them? He supposed the fathers and mothers would be "reputed thieves," and would be locked up too.

Mr. HENNESSY moved to omit the third paragraph of the clause, "Any child apparently under the age of twelve years that has committed any offence punishable by law or frequents the company of reputed thieves."

Sir STAFFORD NORTHCOTE said, that those only were to be sent to an industrial school who had been brought within the cognisance of the law. In point of fact, the provision was a mitigation of the present state of the law. The justices would have a discretionary power, and it was not likely that they would send all the children brought before them to these schools. He wished the first part of the clause to be retained, but the other portion might be very well omitted.

Mr. SCLATER-BOOTH supported the Amendment. The Committee had not been told that this was a substitution of industrial for reformatory schools.

Mr. HENLEY said, that children could not be sent to a reformatory until they had been convicted. But they might be sent to industrial schools under this clause, if they had committed an offence punishable by law, which might be felony or even murder.

Sir GEORGE LEWIS must remind the Committee that to reject this paragraph would be to destroy the efficiency of the Bill. It was left within the discretion of the justices whether children of this tender age were to be committed for trial or sent to an industrial school. The object of the clause was to withdraw from corrupt influences and from association with reputed thieves children who might otherwise become the inmates of prisons and reformatories.

Mr. CAVE thought the clause as it stood of great value. Any one familiar with reformatories must have been struck with the small and trifling character of the offences with which the children were usually charged. He considered that these industrial schools would be the proper places for many of these children; they would be kept at a smaller expense, and, therefore, so far from increasing the Estimates would have a tendency towards economy.

Mr. LONGFIELD said, he thought the Bill offered a premium to crime, inasmuch as a child would only have to commit a crime punishable by law, to be at once provided for by the State, without punishment, and without loss of character. He hoped the clause would be rejected.

Colonel STUART thought it worthy of consideration whether the managers of these schools should not come upon the parents for a certain amount where they were able to pay.

Lord NAAS thought that the clause gave too large a discretion. It would be better to define the sort of offences with which the magistrate should be allowed to deal.

Mr. HENLEY asked, was the magistrate to convict the child before he could send him to school?

Sir GEORGE LEWIS apprehended that the magistrate would not convict unless there was an information laid before him.

Mr. HENLEY observed that, in cases of petty theft, when the offender was brought up by a policeman, there was no information.

Sir GEORGE LEWIS said, that there was what amounted to an information in the cases referred to by the right hon. Gentleman—namely, a statement on oath before the magistrate. In the cases to which this clause was intended to apply the magistrate should be satisfied on credible evidence that there had been an offence against the law.

Sir EDWARD GROGAN observed that such evidence could only be evidence on oath.

Mr. KINNAIRD said, that the intention was to avoid the stigma of a reformatory.

Mr. WHALLEY thought that the wording of the clause was too wide.

Sir GEORGE LEWIS said, that the clause was only intended to apply to children under 12.

Mr. AYRTON suggested that the sum to be paid by the parent should be, not "such as the justice shall think fit," but "sufficient for the child's maintenance at school."

Sir GEORGE LEWIS promised that words to that effect should be introduced.

Mr. HENNESSY moved that the Chairman report Progress.

Motion made, and Question put, "That the Chairman do report Progress and ask leave to sit again."

The Committee *divided*;—Ayes 20; Noes 63: Majority 43.

House *resumed*.

Committee report Progress; to sit again on *Monday* next.

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, June 7, 1861.

Minutes.] Public Bills.—2ª Customs and Inland Revenue.

Royal Assent. Consolidated Fund (£10,000,000); Smoke Nuisance (Scotland) Act Amendment; Combination of Parishes Dissolution (Scotland).

PUBLIC SCHOOLS.—QUESTION.

Lord BROUGHAM trusted his noble and learned Friend on the Woolsack would be able to give the same answer which had been given in the other House to his inquiry whether a Commission was prepared and would be forthwith issued for examining the state of the great public schools. He trusted that such inquiry would be subject to no exceptions of establishments under the Universities, or Cathedrals, or other Collegiate body, or of institutions having special visitors. The necessity of inquiry now arose from such exceptions having been introduced into his Bills of 1818 and 1819, and which had prevented the inquiry into, and correction of abuses at that time and ever since. But for the inquiry having thus excluded the great schools, the evils now complained of would long since have been remedied. He had most reluctantly allowed these exceptions to be introduced into the Bill of 1818, but as the second reading of that Bill had only been carried in their Lordships' House by a sort of political miracle in these days, against the opposition of Lord Eldon and the Government, he felt certain that unless he agreed to the exception, the measure must have been lost in its subsequent stages. The year after 1819, he had attempted to get rid of the exception and without success. But the Education Committee had while it sat, after the Bill with its excepting clause passed, inquired into some of these institutions, and had found that the cases where the greatest abuses and errors prevailed were in those institutions which came within the exception. Therefore, he trusted that the inquiry about to be instituted would have no exceptions whatever.

The LORD CHANCELLOR could assure his noble and learned Friend that the Commission was general and without any exceptions. But he was happy to state that the greatest readiness had been certified by the great schools to further and assist the inquiry by every means; so that it was found unnecessary to introduce any Bill for the purpose of giving powers to the Commissioners.

CUSTOMS AND INLAND REVENUE BILL.

SECOND READING.

Order of the Day for the Second Reading read.

Earl GRANVILLE: My Lords, I rise, according to notice, to move the second reading of this important Bill. I had last year the honour of proposing for your Lordships assent a portion of this measure, but under circumstances of a different character. Notice was then given by a noble Lord, whose former connection with office as Chancellor of the Exchequer, and his present connection with the Treasury gave weight to his opinions on a subject of this kind, for the rejection of the Bill. On that occasion your Lordships' House was crowded and great excitement prevailed. I, therefore, thought it necessary, even at the risk of being very tedious to your Lordships, to go at great length into all the details of the Bill, to endeavour to anticipate all the objections which I thought might possibly be urged against the proposals of the Government, and to make every appeal, as urgently as I properly could to your Lordships, to take the course which seemed to me expedient and prudent with regard to so important a measure. And I cannot help believing that the arguments I then used have had some effect, for we find ourselves this year met to discuss the same Bill upon a somewhat different footing. My Lords, it was not until this morning that notice was given of any Motion adverse to the Bill; indeed, from statements made in "another place," if I may advert to them, I drew the conclusion that it was not likely any opposition would be raised to it in this House; and if I am not mistaken the noble Earl the leader of the party opposite, stated at a City entertainment that it was not his intention, should the Bill pass the Commons, to offer to it in this House any further opposition. For these reasons I do not now certainly anticipate the rejection of the Bill. A noble Duke (the Duke of Rutland) has, it is true, given notice of a Motion for its rejection; but I can hardly believe him to be serious in so suddenly adopting what your Lordships must feel would be a most serious step for this House to take, by thus placing itself in opposition to the other House of Parliament, and on grounds which, until I hear them again stated and heightened, I can hardly believe to be tenable. The notice of the noble Duke has, I believe, already excited great alarm among the mercantile community. But I cannot believe that alarm to be well founded—I am rather inclined to assume that the noble Duke put his notice on the paper merely with the intention of infusing spirit into the debate, or possibly with a view of showing that his confidence was not quite unbounded in the noble Earl who is generally regarded as the leader of his party. The noble Duke, perhaps, wishes to show that he can take his own course with respect to a great question; but I can hardly imagine that he means to press his Amendment to a division. With this conviction I shall confine myself to a very simple statement of the substance of the Bill, and of the principal reasons which have induced the Government to recommend it to the adoption of this and of the other House of Parliament; reserving to myself the right of replying at greater length should any argument be put forth in the debate requiring in my judgment more detailed observation and remark. I beg to say, however, that I do not take this course with any view of deprecating discussion. On the contrary, I think it most desirable that the measure should be most fully debated; but I think that, in the first instance, the course I have indicated will be the most convenient to the House. It is not my intention to go over the financial plans of Her Majesty's Government in detail; I will merely recall a few circumstances connected with the Budget of last year. I will merely state that the results were not altogether satisfactory; that there was a deficiency, as compared with the anticipated revenue, of £850,000; and adding to that the extreme sum of £800,000, as saved by the non-repeal of the paper duties, there would have been a total deficiency, as compared with the calculations of the Chancellor of the Exchequer, of above £1,600,000. To explain this deficiency we have only to look to one fact, and it is one of extreme importance. It was Mr. Huskisson who, speaking of a deficiency in a year following a bad harvest, stated, without meeting contradiction, that the average diminution of revenue likely to be produced by a bad harvest in this country amounted to 7 per cent upon a revenue of £60,000,000. Upon that calculation last year, instead of a deficiency of £1,600,000, the sum ought to be, with so bad a harvest as we unfortunately had, something like £7,000,000. I think, in addition to the estimate of Mr. Huskisson as to the effects of a bad harvest, it is hardly necessary to appeal to the fact that more than 20,000,000 quarters of corn have been imported into this country within the year, nor to appeal to the personal experience of any noble Lord who is connected either directly or indirectly with agriculture, that there was a great deficiency last year in the production of food for man and beast. Therefore, while on the one hand I think it is a satisfactory proof how recent commercial legislation, by enabling us to obtain a sufficient supply of food, has tended to the advantage of the revenue and the comfort of the country, I may also say that to my mind it also shows that if the last harvest had been, not a good one, but an average one—that sort of harvest upon which calculations are always based—the Chancellor of the Exchequer would have exposed himself to the charge, not of over-estimating, but of under-estimating, the produce of the revenue. As to the provisions of this Bill, I may say that the calculations of the Chancellor of the Exchequer have been made, not in any fanciful manner, but in the mode in which all past Chancellors of the Exchequer have made their calculations, and the same which, probably, all future occupants of that office will continue to adopt—namely, careful comparison of the opinions of the heads of all those departments which are especially conversant with the facts:—and this appears to me the most sensible mode of approaching the question. From those calculations of the Chancellor of the Exchequer it appears that there will be a surplus in round numbers of about £2,000,000. Although some doubts have been thrown upon that surplus, yet I think I may say that the time is now past for calling in question the existence of a surplus. It is quite clear that, if there are doubts upon such a point, those who entertain them are justified in seeking to turn out the Government or that particular Minister whose calculations they believe to be mistaken; but as a general rule, so long as the Executive Government are permitted to retain office their calculations are accepted as correct; nor, indeed, could they be held accountable to legislative control unless their statements be accepted as the basis on which their propositions are to be founded. And it seems that in "another place" all the hon. Gentlemen formerly connected with office who took a prominent part in the discussion frankly admitted that they considered the calculations of the Chancellor of the Exchequer were correct, and that was still more proved by the fact that a large and important section of the other assembly proposed to reduce the surplus by an amount greater than was proposed by the plan of the Government. Having, then, this surplus to dispose of, we come to the question as to the manner in which the Government propose to deal with it, and which is embodied in the Bill which is now before me. In the first place it is proposed to reduce the income tax from 10*d.* to 9*d.* in the pound. I am very glad to have to propose such a reduction, and I am sure that satisfaction is shared by all of your Lordships, and I am also sure that we should all be very glad if a still further reduction could conveniently be made. The feeling, however, is so general upon this subject that I have heard no practicable mode suggested on either side for the further reduction of this tax. Then comes the question of tea and sugar. Upon these articles the Bill proposes to continue the same duties as were levied last year. It would have been agreeable to Her Majesty's Government—as it would beyond doubt have been agreeable to many out of Parliament—if they could have proposed a reduction of duties upon articles which tend so much to the comfort of all classes of the community. Some attempts have been made to prove that the tea and sugar duties press more heavily upon the poorer classes than upon the richer. ["Hear."] A noble Earl cheers the observation; but my answer to it is that four years ago the then Chancellor of the Exchequer, Sir George Lewis, made a statement to the other House, founded upon very careful calculations, showing that in round figures about 60 per cent of the duties upon those articles was paid by the richer classes, leaving about 40 per cent to be paid by the poorer classes. That statement was adopted by the present leader of the Opposition in the other House, who has himself filled the office of Chancellor of the Exchequer. The reasons which have induced the Government not to propose any reduction in the tea and sugar duties are these. In the first place, all experience has shown that a small reduction of duty does not produce to the consumer that proportionate decrease in the price of the article that a larger reduction would do, and it is quite clear that a small reduction in the amount of these duties is all that the revenue at present could afford. In the second place, by diminishing the amount of these duties we should not in the slightest degree diminish the cost of collecting the duties; and also, although it is certainly most desirable to reduce these duties whenever an opportunity shall occur, yet the increasing revenue derived from these articles of consumption proves that there is not that urgency for a reduction which would otherwise exist. Her Majesty's Government, therefore, did not think that there was any urgency for such a reduction in the duties on tea, as we could possibly have proposed: and with regard to sugar, I do not think any proposal with reference to that article was made in any quarter. There is another smaller item in this Bill which it is not necessary to dilate upon. The only reason for raising the Excise and Customs' duties upon chicory is to protect the revenue and to prevent adulterations of coffee by means of that article. I now come to the question of the abolition of the Excise duty upon paper. Last year I detained your Lordships for nearly an hour, pointing out what I considered to the the imperfections and impolicy of that tax. However feebly I may have urged those opinions, they must have had, I think, some effect, as, with the exception of one or two casual remarks, no answer was attempted to be given to the statements that this was a tax which impeded the manufacture of paper; which affected all who had the sale of that article in this country; that it was a tax which pressed in a slight degree upon every article that was sold, an export duty upon all articles sent abroad which were necessarily wrapped up in paper. I showed, too, how injurious it was to commerce, and how it operated to check the diffusion of cheap literature. I showed, most conclusively, I believe, that it operated most injuriously upon the diffusion of cheap literature, and that the tax operated a hundredfold more to the injury of cheap publications intended to spread political and educational knowledge than it did upon that deleterious literature which has too wide a circulation among the people. I do not intend to go over that ground again: the arguments for and against the repeal have been long before the public. I will merely state the position in which the Government found themselves when they attempted to deal with this tax. They were aware of the amount of authority in favour of its repeal. During an agitation of thirty years what has happened? A Commission which was presided over by one of the most able financiers upon this question condemned the tax in strong language. An abstract Resolution, recommending its abolition, passed the House of Commons. The speeches of private persons—of almost all the leading men of both parties, including the noble Earl opposite; the present leader of the Opposition in the other House; Lord Stanley, Sir Bulwer Lytton—who, notwithstanding political associations, has recently shown how strong an opinion he entertains upon the subject—all have condemned the tax. That condemnation has been conveyed in words such as these, "morally and physically wrong, "bad in theory and in practice." Upon this tax the Government, upon its responsibility, proposed to legislate. The House of Commons passed the Bill after many discussions and divisions. It then came up to this House, and your Lordships rejected it; but on what ground? Nobody, as far as I can recollect, spoke in favour of the tax, or expressed any abstract dislike of its repeal. The language held was that the state of things either at the time of its first being proposed or subsequently made the repeal improvident; that there was no surplus to deal with in the way of remissions; and that, therefore, as a measure of prudence, and with a view of keeping sufficient money in the Exchequer, it would be wise to retain the tax for the present, and give the House of Commons another opportunity of considering the subject. Surely, then, the Government would not now be warranted, believing that they have more money at command than they had last year, when they proposed to repeal this tax, if, other circumstances remaining unchanged, they did not renew their proposal to abolish it. Had they refrained from doing so, I scarcely know how they could have met the remarks which your Lordships might have made upon their inconsistency. It might have been said that the rejection of the repeal of the paper duty having taken place, not upon the merits of the tax, but upon other grounds, and those other grounds no longer existing; and as, moreover, they were in justice to the people going to propose the remission of taxation, it would be unfair that the only bone of contention between the two Houses, and which might at any moment bring about a difference of feeling between them, should not at the earliest opportunity be removed. There is only one other point to which I will refer before I sit down. I have spoken as to the substance of this Bill. Let me now say a few words as to its form. The principal parts of the financial scheme of the year are on this occasion included in one measure. I think hardly anybody here will suggest that such a course is not perfectly constitutional and consonant with precedent. In 1787 Mr. Pitt—certainly no enemy to the established institutions of this country—introduced a comprehensive financial scheme founded on no less than 3,500 distinct Resolutions, and containing a schedule of sixty pages. Objection was raised in this House to the measure, on account of the multiplicity of the provisions which it combined; the question was fully debated, and on a division your Lordships adopted the Bill in the shape in which it stood. On another occasion Mr. Pitt took the same course. In fact, in 1808, 1809, 1810, and every subsequent year up to 1822, similar precedents were established; so that as to the strictly constitutional and regular character of the present Bill there can no possible doubt. Your Lordships, as I have said, threw out the Paper Duty Repeal Bill last year. I will not now argue whether that proceeding was constitutional or wise; but all will, I think, acknowledge that whether the reasons for it were sufficient or insufficient, it was at least unusual. Some excitement was, doubtless, created in the other House of Parliament by that result; but I must say that the conduct of the House of Commons—both last year and this, singularly moderate as it was—was, I believe, owing, in a great measure, to the calm, sagacious, and temperate manner in which the Government proposed that the matter should be dealt with. A Select Committee of the other House sat on the subject, of which Mr. Walpole, formerly Home Secretary in the Ministry of the noble Earl opposite, was the Chairman, and that Gentleman himself proposed a Resolution declaring that the House of Commons had lost much of its power by the recent habit of enacting taxes for an unlimited time, and that that power might be recovered by the House if the different parts of the financial scheme of the year were combined in one measure. [The EARL of DERBY: That Resolution was moved, but not carried in the Committee.] But a Resolution in strict analogy with the passage contained in the draught report was moved in the House of Commons by the Prime Minister, and unanimously agreed to. Her Majesty's Government thought it the only course respectful at once to the House of Commons and to your Lordships to act in accordance with the recommendations of the Committee, concurred in as those recommendations were by the leaders of all parties in the other House. This Bill was accordingly introduced, and while it places the House of Commons in the position which it ought to maintain in respect to the taxation of the country, it certainly offers no sort of affront or insult to your Lordships. On the contrary, it was thought more respectful to your Lordships, instead of bringing in again separately the measure which you before rejected, to bring it in coupled with the other portions of the Budget, inasmuch as it was more likely to be agreeable to you to consider and adopt it in that form than to deal with it in a manner having anything like the appearance of the retraction of a previous decision. I think, my Lords, we are all agreed that whether or not you were justified, in circumstances of supposed emergency, in arresting the alleged rash financial measures of the other House of Parliament, it is not for this House to be constantly interfering with the details of public finance. And if that be so, it must be more convenient to your Lordships to have the whole fiscal scheme before you in one view and to discuss it in its entirety, instead of piecemeal. It seems to me that that course leaves the rights of both branches of the Legislature, whatever they are, very much as they were before; your Lordships retaining intact the power of rejecting, if you cannot alter, Money Bills. I will now only express my earnest hope that the noble Duke opposite (the Duke of Rutland) will withdraw the Amendment of which he has given notice, or that, if unfortunately he persists in it, he will not be assisted by the majority of your Lordships. I believe that by adopting this Bill we shall undoubtedly attain three great objects. In the first place we shall complete that commercial legislation which has been so universally useful in developing the industry and unshackling the enterprise of this country, thereby increasing to an almost incredible degree that revenue from direct, and still more from indirect taxation which has enabled us to meet our present large expenditure. In the second place, we take away the only irritating question which I firmly believe now remains between the two Houses of Parliament, and which is likely to engender a bad feeling between them; and, thirdly, you will record a practical protest, by passing a measure partly for a reduction of the income tax, and partly for the repeal of the paper duties, that it is not the intention of the Legislature to sanction a project which I hold would be injurious to this country — namely, the adoption of a system of direct taxation alone as the only means of supplying the wants of the national Exchequer. For these reasons, my Lords, I beg to move the second reading of this Bill.

Moved, that the Bill be now read 2^a.

The Duke of RUTLAND: My Lords, in rising to move the Amendment of which I have given notice I feel I must throw myself on the indulgence of your Lordships for that kindness and consideration which you have ever evinced towards me. I can assure your Lordships that in putting myself forward on the present occasion I am solely influenced by the fact of seeing no notice on the paper to undertake the task of moving the rejection of this Bill, which I believe to involve a very great injury to the Constitution. When the noble Earl taunts me with having put my notice upon the paper only yesterday, I must be allowed to remind your Lordships that the second reading of the Bill was only announced on the notice paper of the previous day. I should have thought that for a Bill of this vast importance the noble Earl would have given your Lordships a much longer notice. Under the circumstances I have not been enabled to discuss the question with that complete information I would otherwise have obtained. I think, my Lords, that this is a question, both politically, financially, and constitutionally, of the very greatest importance. My principal objections to this Bill are threefold:—In the first place, I object to it because I venture to doubt whether you have any real or substantial surplus. In the second place, I object to the Bill, because, even if you have a surplus I am prepared to maintain, with the concurrence of the majority of your Lordships, of the majority of the House of Commons, I believe of the majority of Her Majesty's Ministers themselves, and certainly of the majority of the public out of doors, that a greater amount of benefit would be conferred in the reduction of the taxes on tea and sugar than by the abolition of the tax which this measure proposes. I have a third objection to the measure. I consider that it comes before us in such a shape as paralyses your Lordships' action and prevents your giving that consideration to the subject which a proposition of this magnitude demands. In reference to my first objection, I must say I think it is much strengthened by the doubtful and hesitating way in which the noble Earl who moved the second reading alluded to the existence of a surplus. In addition to this, since the Customs' Bill has been introduced, there is already £175,000 to be deducted from any surplus that may be said to exist—namely, £150,000 for the Stade Dues, and £25,000 for the increased interest during the next six months on Exchequer Bonds. And when the noble Earl referred to the deficiency of the late harvest, as not having entered into the calculations of the Chancellor of the Exchequer in his last Budget, I ask your Lordships whether you are more secure this year against the occurrence of such a calamity than you were the last? I hope and trust that the harvest may be a good one; but who can be so bold as to say that he can prognosticate with certainty that our harvest this year will be more abundant than the last? Now, my Lords, with regard to the second objection—what duties should be taken off, supposing you have a real and *bonâ fide* surplus. I will put it to your Lordships whether any person who considers this subject in a fair and impartial spirit must not at once admit that the labouring classes consume more tea and sugar than they do paper, and whether, therefore, they would not benefit more by the reduction of the duty on tea than by the repeal of the Excise on paper? I think the right hon. Gentleman the Chancellor of the Exchequer will himself agree with me on this point, because I remember that last year when introducing his Budget he felt the difficulty of his position, and distinctly admitted that directly the labouring classes would benefit more by the reduction of the tea and sugar duties than by the abolition of the paper duty; but, then, he added, they would benefit indirectly, because it must be remembered that every pound of tea and sugar must be wrapped in paper. Now, however, with that boldness for which he is so remarkable, with that subtlety which is so startling, with that ingenuity in which no one surpasses him, he comes forward with a different plea, and recommends your Lordships to repeal the paper duty, not because their repeal would directly benefit the consumer—for he has now discovered what we on this side of the House have been telling him for the last twenty years that the consumer does not benefit in anything like the proportion the revenue loses by a repeal of the duties of Customs and Excise; in fact, the right hon. Gentleman admits that one-fourth only of the reduction of duty went into the pockets of the consumer—therefore, he now urges the advantage that will arise to trade, and the expansion of commerce which will be the consequence of the repeal of the paper duties. As to the benefit to commerce, I should be glad to know how or in what manner the repeal of the paper duty will assist commerce more than a reduction of the duties upon tea and sugar? The noble Earl, in alluding to the tea duties, said that 40 per cent of tea was consumed by the lower classes, and 60 per cent by the upper classes. I will not venture to contradict the noble Earl, but I maintain, that if the duty upon tea were lowered so as to bring the article more within the reach of the consumption of the labouring class, that more people would be enabled to consume that beverage, and that they would receive more benefit from the reduction of the duty than from the repeal of the whole Excise on paper. But what is the time at which we are called upon to take off the paper duty? Is it a time when all around appears tranquil and secure? Are there no indications of approaching difficulty? Are we quite certain we shall not require this tax we are now called upon to abandon? If we look abroad, across the Atlantic, what did we see? A nation plunging into civil war. The cannon has already sounded, and is reverberating on our own shores. We know not whether we may not be drawn into that contest; we know not what demands will be made upon us; yet this is the time when we are called upon to give up, without any benefit, some million and a half of revenue. Again, if we looked at Italy—that country which had but lately emerged from a revolution—what do we behold? Monarchy destroyed, with hardly any settled Government; authority overthrown, a generous and excitable people given up alternately as the prey to a victorious army, a disbanded soldiery, and a desperate brigandism. Only yesterday we heard, with the deepest regret, however much some of us may differ from his political views, that the great mind that has hitherto kept together the elements of that divided and unhappy country has passed away; and who can tell what the future of that country will be? Then if we look nearer home—if we look to the two countries which stand so close to each other—divided, or, as Mr. Cobden happily expressed it, united by a few miles of sea—what do we there find? While each with one hand signs a treaty of commerce, with the other both nations are convulsively grasping the hilt of their swords, each doubtful of the other's intentions. Mr. Cobden, who is looked up to as a great authority on all occasions, has lately come from Paris, and your Lordships will, therefore, look to his testimony with the greatest possible interest. And what does Mr. Cobden say? In his speech yesterday, on the occasion of his receiving the freedom of the City, the hon. Gentleman stated that he viewed with the greatest alarm the naval preparations that are going on in France and England. His speech is so remarkable that if I were not afraid of wearying your Lordships I should very much like to read a short passage from it. Mr. Cobden said—

> " Even now there is much that is doing by the Governments of the two countries which is calculated to fill us with disappointment, if not with dismay. Probably at no time in our history—and I say it advisedly—had France and England so large a warlike preparation in the only means of war by which they can be brought into collision as at this moment in a time of peace. It was not too much to say that at no period of history were ever France and England so prepared by formidable naval forces for hostile operations against each other as at present; and this is going on—if we may believe what we read and hear—at the present moment simultaneously with this commercial treaty which is intended to facilitate the intercourse between the two nations. There is something saddening and inconsistent in this fact."

The speech goes on in the same strain; and at the close Mr. Cobden says that even if France were preparing for war we should prepare for peace, and we should have it. These are Mr. Cobden's sentiments; but, my Lords, I am sure that while France is the initiator of these great naval preparations—while she is building these leviathans of war—there is not one of your Lordships who will not concur with me in the opinion that if this great commercial country has any regard for the maintenance of her position and the security of her colonies she must be, at all events, equally prepared to defend herself as that great and powerful Empire of France. I trust I may be allowed to express my admiration, in common with all patriotic loyal Englishmen, at the spirited address which the Prime Minister of this country made to the House of Commons the other night on the occasion of the discussion upon the Navy Estimates. The noble sentiments expressed by the noble Viscount thrilled every patriotic breast in England. My Lords, I come now to the third objection I have made, and I approach it with the strongest possible desire to say nothing that can in any way provoke any spirit of rivalry or hostility in the remotest degree between the two Houses of Parliament. I come now, I say, to the constitutional part of the question—to the position in which your Lordships have now been placed by the manner in which the Bill has been sent up to your Lordships' House. A proposition for repealing a tax and also for the imposition of taxes has been sent up in one Bill. My Lords, when I see so many noble and learned Lords around me so much more capable by their learning, their ability, and their experience, to guide and instruct your Lordships on so delicate and difficult a subject, I will not venture to dive into the depths of this part of the question; I will not venture to do more than to draw your Lordships' attention to this subject, in order that we may be favoured with their opinion of the position in which we now stand, in consequence of the step that has been taken—I will not say by the House of Commons, and I will not say by Her Majesty's Government—but I will say by that overruling and powerful mind which seems to guide both the one and the other. Now, the noble Earl (Earl Granville) said we are now placed in a very different position to what we were last year. Then the Bill was sent up to repeal the duty, which Bill your Lordships decided not to assent to, not in consequence of its merits, but in consequence of there then being no surplus: but the noble Earl says we are now in a different position, that we cannot now reject the proposal to repeal the paper duty on the ground and for the reason we rejected it last year, because the Chancellor of the Exchequer has now shown that there will be a surplus at the close of the current financial year; and he, therefore, hoped your Lordships would not divide upon the matter. But, my Lords, if this is the case, I want to know why the present proposal has not been sent up from the other House in such a shape as would have enabled your Lordships to consider and pass a deliberate judgment upon the repeal of the paper duty apart from the other details of the Budget? I apprehend, notwithstanding all the noble Earl has said about the certainty of a surplus, that it was a suspicion that your Lordships would again throw out any proposition for the repeal of the paper duty that has induced the Government to adopt the underhand course of "tacking" their proposition with respect to the paper duty to a Bill containing other provisions, and so sending it up to this House in a shape which should prevent your Lordships from resisting it, without at the same time interfering with the other financial arrangements for the year. Almost every constitutional authority—and amongst them Lord Macaulay—had concurred in condemning the practice of "tacking" Bills. Lord Macaulay in his *History*, vol. 5, p. 274, gave the following striking condemnation of the practice:—

> "Not only—such were the just complaints of the Peers—not only are we to be deprived of that coordinate legislative power to which we are, by the constitution of the realm, entitled. We are not to be allowed even a suspensive veto. We are not to dare to remonstrate, to suggest an amendment, to offer a reason, to ask for an explanation. Whenever the other House has passed a Bill to which it is known that we have strong objections, that Bill is to be tacked to a Bill of Supply. If we alter it we are told that we are attacking the most sacred privilege of the representatives of the people, and that we must either take the whole or reject the whole. If we reject the whole public credit is shaken; the Royal Exchange is in confusion; the Bank stops payment; the army is disbanded; the fleet is in mutiny; the island is left without one regiment, without one frigate at the mercy of every enemy. The danger of throwing out a Bill of Supply is, doubtless, great. Yet it may on the whole be better that we face that danger, once for all, than that we should consent to be, what we are fast becoming, a body of no more importance than the Convocation.

Now, my Lords, I will call your attention for one moment to the position which the noble Earl (Earl Granville) asks us to occupy. And I will ask what is the use of a debate which is to have no practical end? If the whole thing is already settled, because the House of Commons have sent up the whole financial arrangement for the year in one Bill, which your Lordships cannot alter or amend, I ask what is the use of my wasting my breath and your Lordships' time in addressing you? We are even placed, by the course which has been pursued, in a worse position than any other class in the country. We are told that we are not competent to have an opinion, and if any one of us ventures to give expression to our views, as the noble Earl below me (the Earl of Derby) did at the Mansion House, we are told that we should wait till the Bill is before us before offering even an opinion in reference to it. I would briefly call attention to the views entertained by the people of France in regard to retrospective debates. I perceive from the correspondence of *The Times* that in an article in the *Revue des deux Mondes* they condemn the practice of debating questions in the French Chambers after they have been practically decided, and remark on the happier condition of this country, where all-important questions are decided by the Legislature. Yet this is the very position your Lordships are now invited to occupy. I have now, briefly, my Lords, and I fear, very inefficiently, laid my reasons before you for the course I have pursued, and I hope your Lordships will consider this measure is one which ought not to become an Act of Parliament. I have only taken the part I have done because I could not find that any other noble Lord proposed to move an Amendment, and, therefore, I ventured to move one, as I think this Bill is so adverse to the interests of your Lordships, and to those of the country at large, that I venture, at all events, to enter my protest against its passing your Lordships' House.

The Earl of DERBY: My Lords, no one who has the pleasure and the honour of the personal acquaintance of my noble Friend who has just sat down can, for a moment, doubt that any step he takes in this House, as elsewhere, is dictated by the most conscientious motives; and no one who has listened to the manner in which he has brought forward his Motion this evening can fail to perceive that he is capable to deal with the great questions that come before us with an ability, good judgment, and moderation, which make me regret that he does not more frequently take an active part in our proceedings and join in our debates. I must, my Lords, preface the few observations I am about to offer by saying, in the first instance, that notwithstanding the high respect which I entertain, and which I believe your Lordships all entertain, for the opinion and character of my noble Friend, and notwithstanding the clear and able manner in which he has submitted his views upon this question to our notice, he has not induced me to come to the practical conclusion to which he has arrived. But I must at the same time express my concurrence in a great part of the objections which he has urged against the measure now under your Lordships' consideration—if, indeed, on such a question it is permitted to us to have any deliberative consideration at all; —I concur with the noble Duke in thinking that the Bill is objectionable in point of substance as well as in form—in point of substance, because, if that surplus does exist which the Chancellor of the Exchequer anticipates with so much confidence, but of which serious doubts are entertained by a very large proportion of the Members of the other House of Parliament, and in which doubts I confess I share—even, I say, if that surplus does exist, in my judgment, and, I believe, in the judgment of many others, and in the deliberate judgment of the House of Commons, and I am not sure I am incorrect in saying in the deliberate judgment of Her Majesty's Government—there are other taxes which have a greater claim for remission than the paper duty. There are other taxes which press far more injuriously on the springs of industry, which press with far greater hardship upon the comforts of the great mass of the community—there are taxes which have been imposed for special and temporary purposes, to meet a temporary exigency, and which have, consequently, a far preferable claim over the paper duty to be taken off, or, at all events, reduced, so soon as the temporary exigency for which they were imposed has ceased to exist. I think the Bill objectionable in point of form, on the grounds stated by my noble Friend—because it is sent to your Lordships, and sent deliberately, with the view and intention of precluding your Lordships from exercising upon it that deliberate judgment which I think it is for the benefit and advantage of the Constitution as it is for the honour of your Lordships' House that you should be able to exercise on all matters submitted to you. The noble Earl who moved the second reading of the Bill stated that last year we stood in a very different position from that in which we do now; inasmuch that last year it might be a question open to doubt whether we had or had not a surplus; whereas, on the present occasion, that fact is universally admitted. I will not here stop, my Lords, to take exception to the assumption of my noble Friend that the existence of a surplus is universally admitted. The fact is that it is agreed in the House of Commons that in these matters it is to be assumed that the Chancellor of the Exchequer is the best authority as to the facts, and that upon his statement we must be prepared to rely in our legislative capacity—whatever personal and private opinions may be as to the soundness of the reasoning or the validity of the conclusions to which he has arrived. My Lords, I accept this principle; but as the noble Earl took great pains to show that if it had not been for the very bad harvest last year the anticipations of the Chancellor of the Exchequer with regard to the revenue would have been entirely realized, I may be permitted to point out that the noble Earl did not take into account the £800,000 additional and unexpected Customs' revenue which the Chancellor of the Exchequer received, and which we may regard as some set-off against the falling off of his receipts from that cause. Moreover, although in ordinary cases it is perfectly fair for the Chancellor of the Exchequer to reckon, not on circumstances of an unparaleled prosperity, but upon a fair average revenue, yet I find at the period when the Chancellor of the Exchequer brought forward his first Budget—which I presume is the one to which we are directed—about the period when we were discussing the measure relative to the paper duty, and before the Chancellor of the Exchequer brought forward his second or supplemental Budget—it was perfectly clear that we could expect nothing but a very bad harvest. Perhaps the noble Earl will permit me to remind him also that, at the period when the Budget was under consideration, Her Majesty's Government were in doubt—a doubt in which no other person shared—as to whether or not there would be a war with China, and the provision taken in the Budget for the China war last year only reached the very modest amount of £500,000. Subsequently the Chancellor of the Exchequer found out that that had taken place which every one had foreseen, but to which he had wilfully shut his eyes; and consequently he found himself under the necessity of coming down to the House of Commons and asking for a Supplementary Vote of £3,800,000. That appeal, however, had not been made when we discussed the question; but I hope your Lordships will do me the honour to recollect that I found it to be my duty to fatigue your Lordships with a very lengthy analysis of the estimates of the revenue and the expenditure of the country, in which I assumed, for the purpose of argument, that the whole of the calculations of the Chancellor of the Exchequer were perfectly correct, that he was not wrong in any of his figures, that no unexpected circumstances would occur to derange his calculations. And I took the liberty of showing—on the faith of that statement—to your Lordships, and, as I believe, proved to your Lordships, that if circumstances remained precisely the same, the provisions of the Budget were so contrived as to secure, not for the year 1860-1, but for the year 1861-2, a deficiency to the amount of £2,800,000. In short, I rested my support to the Motion brought forward by my noble Friend the Comptroller of the Exchequer, not upon any supposed error in the calculations of the Chancellor of the Exchequer, but upon the fact that the statement of the Chancellor of the Exchequer, assuming the correctness of all his figures, involved us in a certain deficiency of £2,800,000, at the very least, for the year 1861-2. Under those circumstances your Lordships were induced—and I think very advantageously for the country, and I believe that the country generally now feel that it was to their advantage, and that your Lordships acted very wisely—to exercise your indubitable right to refuse to assent to this lavish and imprudent sacrifice of the permanent revenue of the country. My Lords—I do not quite know about Her Majesty's Government—but I am afraid the Chancellor of the Exchequer has not shown himself sufficiently grateful to us, because we certainly contributed very largely to reduce or diminish the enormous deficiency there would have been upon the revenue, not of 1860-1, but of 1861-2, by the present we made to him of a million and a quarter of money by continuing the paper duty. The right hon. Gentleman made no difficulty about accepting this present; but he took advantage of the amount, eloquently protesting that there never was a Government, there never was a people, so ill-used and so grossly affronted as that Government, the House of Commons, and the country had been by your Lordships' House. But, my Lords, with a meekness worthy of all praise, the right hon. the Chancellor of the Exchequer proceeded to frame his new Budget to meet the altered circumstances of the year, and he at once took credit for the million and a quarter secured to him by "the unparalleled conduct of the House of Lords." How was the remainder made up? The remainder of the deficiency—by a course of proceeding which, certainly, is of an exceptional character, but justified by the circumstances of the time—was made up by withdrawing the sum of one million and a half from the balances in the Exchequer—that is by diminishing the assets prepared to meet the liabilities of the country. That was the mode—in addition to what he got by the relief afforded him by the retention of the paper duties—in which the Chancellor of the Exchequer contrived to make ends meet for the service of last year. The revenue, in short, of last year, was made up of waifs and strays, odds and ends, pickings here, anticipations from another quarter, and throwing into the service of one year that which belonged to another—a combination of casualties which might occur that year but could never occur again, and anticipations which, unless circumstances changed favourably, would leave the revenue of another year in a deficiency to the amount of two or three millions. But when we come to this year, and when every one is thinking how the Chancellor of the Exchequer will make up the deficiency in his revenue, the right hon. Gentleman comes down to the House and deals with the Budget of the present year with the same courage and dexterity as he exhibited in dealing with the Budget of last year. Last year he astounded the House by announcing that they had to provide for a deficiency of £9,400,000, and, nevertheless, the right hon. Gentleman proposed a remission of taxes that would increase the deficiency to £12,400,000. He provided for that deficiency by the anticipation of revenue from a variety of sources, partly on the faith of £250,000 to be received from Spain, and partly from other windfalls, but principally by the addition of a penny to the income tax—or rather by the imposition of an income tax of 10*d.* in the pound—and of this income tax the right hon. Gentleman contrived not only to get four quarters in the year, but he arranged so that five quarters should be paid within the year. That, of course, was an operation that could not be repeated, and their Lordships and the public were anxiously asking, "What will the Chancellor of the Exchequer do with his deficiency of £5,500,000?" Many resources were wanting which last year he possessed—the prospect before him, in short, seemed as black as possible—when the right hon. Gentleman comes down to an admiring and wondering House of Commons and declares that there was no deficiency at all, but a surplus of £1,900,000. And it is just as simple as the case of Columbus and his egg. The deficiency last year was £9,400,000, assuming that the income tax was to expire, and that the tea and sugar duties would be reduced to their ordinary amount. This was the right hon. Gentleman's demonstration of last year. This year he proceeds upon a different assumption, that all these duties are to continue, and not only to continue, but that they are to continue with the additional penny income tax imposed last year, and distinctly imposed for one year only. If you assume, in the first instance, that the taxes have expired which produced between £10,000,000 and £11,000,000, and, thereby show a deficiency of £9,400,000 in the one year, it is not very difficult to come to the conclusion that if those taxes are to be continued in their full amount, as they produced a surplus for last year, they will also provide a surplus for the year to come. And then the House of Commons lifts up its hands and its eyes in admiration, and says, "What a wonderful man this Chancellor of the Exchequer is!" I say that also; but I likewise say, what a wonderful body is that House of Commons to be cajoled and juggled by this transparent fallacy of creating a deficiency last year, and having a surplus this year. I must be permitted to say, in passing, that this solution gives a very easy explanation of an extraordinary discrepancy which appears between a statement I made and one made by the Comptroller of the Exchequer, in which I anticipated a deficiency of between £2,000,000 and £3,000,000, and my noble Friend a deficiency of between £10,000,000 and £11,000,000. The difference consists in this: I said, if these taxes are continued there will be a deficiency of £2,000,000 or £3,000,000; and my noble Friend said, "There will be a deficiency of between £10,000,000 and £11,000,000 unless you break faith with the country and continue those obnoxious tea and sugar duties, and also the income tax at its present high rate." Our statements, therefore, precisely tally, and our estimates would have been perfectly correct, as a general rule, if it had not occurred in the meantime that the China war came to an end, and consequently it was in the power of the Government and of the Chancellor of the Exchequer to make some reduction of the expenditure, the effect of which was to give a small apparent surplus. As I said before, I shall assume that the calculations of the Chancellor of the Exchequer are all correct, and I shall not dispute the fact, whether £750,000, which he calculates to receive from China, is likely to come into the Exchequer or not, or whether he has not made a most extraordinary miscalculation with regard to the military and naval expenditure of the country. I take the facts as I am told them; and then the question arises how this surplus shall be disposed of most advantageously for the country? I will not say whether it is for your Lordships to-night to decide, but it is a question for Parliament to decide. I will assume the version of those who say that the Chancellor of the Exchequer has dealt most fairly and impartially in dividing the relief between direct and indirect taxation. If, on the one hand, it is said, he takes off the paper duty, on the other hand he takes off an equivalent amount from income tax. That is true; but the relief given in respect of direct taxation consists in taking off the individual penny he put on the year before, and the relief in respect of indirect taxation consists in depriving the country permanently [The Duke of Argyll: Hear, hear!]—I am glad to hear that my observation is gratifying to the noble Duke—you are taking off a tax which, from the nature of things, when once taken off cannot be reimposed. I am not going to discuss the merits of the paper duty. I always admitted, and I am quite ready now to admit, that it is an objectionable tax, and one which, with an overflowing Exchequer, it might be desirable to relieve the country from the pressure of; but I do not believe that its repeal will have those marvellous effects that have been predicated, or will give any extraordinary relief to commerce or to any portion of the community. With regard to cheap literature, and to the various applications of paper, and the immense spread of knowledge which are to follow from the repeal of this duty, these arguments may do very well for Parliament, but I have not the least faith in them. My noble Friend, I hope, will not repeat these stale arguments about cheap literature, which have been all controverted long ago. [Earl GRANVILLE: Where?] Why, in every house, in every conversation, in Parliament, and in every society where the question has been argued. Look at the most important publishers. Look at the authority of Mr. Bohn, who ought to have some knowledge upon the subject. Look to the assertions made in every society and every place where the question is discussed. I know one class to whom the relief will be considerable, and that is the class of proprietors of penny newspapers. I do not know that they will get all the benefit they expect, but they will get the raw material of their business cheaper, and certainly they will not make the least reduction in the price to their consumers. Neither do I see that so great a benefit will be given by the remission of the paper duty to those tradesmen who sell groceries, tea, sugar, and other articles on account of the paper in which these articles are wrapped—or to use my noble Friend's peculiar phraseology "wropped." I believe that the main argument for taking off the paper duty consists of an argument introduced for the first time this year, and which I may call "the great bandbox argument." Next to the proprietors of penny papers the makers of bandboxes will derive the greatest benefit from the remission of the duty; but as to all the other classes of the community, I believe its benefits will be found to be nearly *nil.* I will say utterly *nil* as compared with a proportionate reduction of the income tax or a proportionate reduction of the tea and sugar duties. My noble Friend will surely not deny that these reductions would be more beneficial to the working classes than the repeal of the paper duty; and when he says that the tea and sugar duties are paid in higher proportion by the higher and middle classes than by the lower, surely, that circumstance constitutes a strong reason for reducing those duties and so cheapening the articles to the lower classes. I only wish to enter my protest against being supposed to concur in the great benefit to be derived to the community at large from taking off the duty on paper. It is, however, a financial question upon which the House of Commons has a second time expressed an opinion to the effect that it is desirable that that duty should be taken off. I will not stop to examine what may be the various motives that induced the House of Commons to come to the conclusion at which they have arrived. It will be sufficient for me to say that to my certain knowledge that conclusion was not simply guided by the merits of the tax itself, or the degree of relief to be afforded to the community. It was carried, undoubtedly, by a somewhat larger majority than carried the third reading last year—a majority of fifteen; but it is perfectly notorious that that majority, small as it is, was obtained by the votes of a certain number of Gentlemen sincerely opposed to the removal of the paper duty, but more opposed to running the risk—not a great risk, I think—of disturbing Her Majesty's Government, or compelling them to resign or to dissolve Parliament. I am not in the secrets of the Government; and I am not averse to having something strong in hand to meet an emergency; but looking to the complacent manner in which they took the check by the House of Lords last year, I confess to entertaining a very strong opinion that the only resignation Her Majesty's Government would have shown would have been that calm and placid resignation with which they submitted to the benefit we conferred upon them last year; and as to the dissolution of Parliament, I have too high an opinion of the prudence, sagacity, and wisdom of the noble Viscount at the head of that Government to think that he would appeal to the country on any such question as whether paper was to be preferred to tea. But, whatever the motive, a majority of the House of Commons has decided in favour of the repeal of the paper duty, and I am perfectly ready to admit that, upon a question of the repeal of a duty and the financial arrangements generally, it is not expedient that your Lordships, except in very exceptional cases, should interfere with the discretion of the House of Commons in that matter. Suppose, therefore, there is a surplus, and that the House of Commons, on full and deliberate consideration of all the circumstances, have come to the decision that it is expedient that this paper duty should be repealed, I certainly should not wish to take on myself the responsibility of advising your Lordships, whatever might be your opinions as to the merits of the case, to set yourselves upon such a point in opposition to the deliberate judgment of the House of Commons. Last year the question was widely different. The question then was whether, upon the showing of the Chancellor of the Exchequer himself, that there would be no surplus in the following year, you would not give to the House of Commons a further opportunity of considering the policy of sacrificing that which was in point of form at least a permanent tax? But the question arises now; not so much with regard to the merits of the case as with regard to the amount of interference which might be justifiable or desirable on the part of your Lordships' House. And here is a point on which I feel myself compelled to differ in some degree, though not altogether, with my noble Friend (the Duke of Rutland) as to the discretion to be exercised on this occasion. With regard to the right of the House of Lords to deal with questions of taxation, and with regard to the privileges of the two Houses generally, I think it is extremely desirable that there should be no mistake as to their respective limits. While there is undoubtedly debateable ground between the two Houses there is certainly one point which admits of no debate and no discussion whatever. With regard to those other matters, they must be settled as they arise, by the prudence and discretion of each House individually. But there is nothing more clearly laid down and recognized than that to the House of Commons belongs the initiation of every Money Bill; and on the other hand nothing is more indisputable—and that is the vindication of your Lordship's conduct last year—than that the House of Lords have the power of accepting or rejecting any Money Bill. The debateable point is whether the House of Lords has power to alter a Money Bill submitted to them by the House of Commons? What is the meaning of having power? The privileges of the two Houses depend upon the mutual recognition of their respective powers, and on the power of enforcing that recognition. The House of Commons would not look at a Money Bill originated by the Lords; and their remedy is obvious—they would refuse to deal with it. The Lords, on the other hand, reject a Money Bill coming up from the Commons that they do not approve of; and the result is clearly the same—the Bill falls to the ground, and there is an end of it. But the question is as to the right of the House of Lords to alter a Money Bill which the Commons have originated. Let us see upon what the claim of the House of Commons to refuse to entertain a Money Bill so altered is founded. It rests upon a Resolution of 1671, passed by the House of Commons, as to the privileges and rights of that House, and incidentally as to the limitation of the rights and privileges of the other House. With regard to the privileges of the House of Commons, their Resolution may be perfectly sufficient to bind them; but as to what is the privilege of your Lordships' House a simple Resolution of the House of Commons, with all due respect to that high authority, except so far as they can themselves act upon it, is a piece of waste paper. The rights of your Lordships' House cannot be restricted by a Resolution of the House of Commons; and, however prudence may have induced your Lordships' House to refrain from altering Money Bills, you have never at any time repudiated, rejected, or resigned the right of making Amendments in those Bills, although you have tempered the exercise of that right by discretion, and by the knowledge that if you do make such Amendment it is equivalent to the rejection of the Bill. Every constitutional authority concurs in giving to the House of Lords this right of amending Money Bills if they choose to exercise it. Mr. Hallam and Lord Macaulay have so laid it down; but I will only trouble your Lordships with a short extract from a work recently published by my noble Friend (Earl Stanhope), the *Life of William Pitt*, in which I find the opinion of Mr. Fox thus stated—

> "Pitt proposed a measure to regulate our commercial intercourse with America. The views of Pitt upon this question were of the largest kind. The Bill was complicated and extensive. It was several times committed and re-committed with a variety of Amendments, and at last, under the next Administration, was further altered by the Lords. It was, no doubt, a Money Bill. ['Hear.'] 'But I am of opinion (said Fox) that the Order of the House respecting Money Bills is often too strictly construed. It would be very absurd, indeed, to send a Loan Bill to the Lords for their concurrence, and, at the same time, deprive them of the right of deliberation.'"

This is the judgment of Mr. Fox—a great constitutional authority—upon the Resolution of the House of Commons in 1671. This privilege depends upon the power of enforcing it; and if you send down a Money Bill to the Commons altered the Commons reject it, and it falls to the ground. In former times—I do not know whether the practice is still continued—it was usual for the House of Commons to kick such a Bill out of the House, or to throw it under the table—which does not appear to me to be a very dignified mode of proceeding, more especially when it was frequently followed by the introduction of another Bill embodying the Amendments of the Lords. No doubt the House of Commons, if you choose to act on your constitutional right, may refuse to entertain the Bill so amended by your Lordships, in which case it falls to the ground; or they may introduce another Bill or Bills carrying out the same object, and send them to the Lords in a form that they believe to be more acceptable. These, my Lords, are the real limitations of the rights and privileges of the two Houses of Parliament —namely, the manner in which these rights can be enforced, by either the one or the other, by the rejection of the measure in one form or the other, the result of which is that the proposed legislation falls to the ground. In Bills, however, which are for the special purposes of taxation, not Bills in which money clauses may be introduced incidentally, this is a matter of the highest consequence, because whenever either House insists on the maintenance of its strict privileges, in that case, according to the circumstances of the case, the matter would be judged of by the supreme judge of all in this country —public opinion; and that House of the two which pushes its assumed privileges to the utmost, and which shows an unreasonable and unconciliatory spirit towards the other House, will be the one, in the case of a great national calamity, such as the stopping the Supply of the means of carrying on the Government, which will be visited by great public indignation; and that is the real control and the real means by which the apparently conflicting privileges of the two Houses are prevented from bringing the working of the Constitution to a dead lock. That is the position in which we find ourselves at present. There is one point more to which I must advert—the mode in which the Commons have dealt with this question and with regard to "tack Bills." In former times it was the habit of the Commons to introduce the most conflicting and incompatible things into the same Bill and send it up to the House of Lords. According to the interpretation of their privileges by the Commons, that Bill, if it contained some money provision, could not be amended by the House of Lords, but the whole measure must be swallowed by this House or rejected altogether. It is apparent that such a practice excludes the House of Lords from the exercise of their deliberative and legislative functions. There never has been any doubt as to the inadmissibility of "tacks;" in the strict sense of the word—that is the introduction into a Money Bill of matter wholly different from and unconnected with the main object of the measure. But a more difficult question comes when you have to deal with a large financial scheme, in which nothing is introduced that has not reference to finance but in which various matters of finance are introduced and submitted to your Lordships' consideration. I do not hesitate to admit to my noble Friend opposite that there are repeated precedents for the introduction of whole fiscal schemes into one measure, and of that measure being sent up by the House of Commons and acceded to by the House of Lords. On the other hand, there are repeated cases of financial measures being amended by the House of Lords, and the Amendments being accepted by the House of Commons. Supposing one Bill had been sent up last year for imposing 1*d.* income tax and repealing the paper duty, no one could complain of excess of authority on the part of the Commons; and, likewise, nobody could complain that the House of Lords had not the opportunity to exercise their judgment by accepting the whole or rejecting it, and the thing could be fairly counterpoised by the action of the House of Commons. But the case is totally different where, by the action of the House of Commons, it is proposed to take away a permanent tax and to substitute for it a purely temporary one. This point has been urged in the House of Commons by a right hon. Baronet, a Member of great weight and experience, and was referred to by my noble Friend opposite, as having been laid down in a draft Report which was not accepted by the Committee, and which Report was drawn by a right hon. Friend for whom I have the highest esteem and regard (Mr. Walpole), but both these Gentlemen, I think, have come to an opinion on this question which is most fallacious in its origin and dangerous in its conclusions. The argument is this—that if, after the House of Commons has declared against it, you allow a large portion of the Revenue to be raised by permanent taxation that cannot be taken off without the consent of the House of Lords—and it is admitted that it cannot be taken off without their consent—you weaken the power of the House of Commons—that power, it is allowed, has been weakened—and it is argued that it would be expedient, and good policy, to recover that power even at the expense of the permanent revenue of the country. I say that this is a gross fallacy in argument—I say so with the greatest respect for the right hon. Gentleman—it is a perfect fallacy in argument to say that dealing with a portion of the permanent taxation of the country can affect the control of the House of Commons over the revenue from whatever source derived. It might, no doubt, have been necessary in the early days of our history, at a time when the necessities of the Crown alone compelled it to call Parliament together, and when measures were always attempted to enable the Crown to dispense with the Parliament and to enable it to carry on the Government without summoning Parliament at all, to take precautions that Supplies should only be voted in such a way as not to make the Sovereign independent of Parliament. But all apprehensions of that kind have long ago fallen to the ground, and ceased to have any practical effect. What is the control which the House of Commons now exercises? The army, the navy, all the great services of the country, are voted from year to year; and without the sanction of the House of Commons to the application of the Ways and Means, the payment of these services at once falls to the ground. The Army Estimates, the Navy Estimates, the Miscellaneous Estimates, are all provided for by annual Votes; and this enormous proportion—amounting in fact to almost the whole—of the Ways and Means of the country are entirely and absolutely under the direct control of the House of Commons. And even after these Estimates have been provided for, the House of Commons has complete and absolute control not only over the levying of the taxes but over their application. Not a single shilling of the taxes—not even of the permanent taxation of the country—can be applied to the purposes for which they are required without an Appropriation Act, which, as your Lordships know, must originate in the House of Commons, while it must receive the sanction of your Lordships' House. The control, therefore, of the House of Commons over the finances of the country consists, first, in the absolute control it has over the Estimates for the support of all the great services of the country; and, next, in the fact, that after these Estimates are voted not a step in regard to the payment of those services can be taken without the introduction of all the items of that expenditure into an Act which must originate in the House of Commons. Let us look, my Lords, at what the consequence would be of acting on the opposite principles. Let us suppose the principles that have been put forward in the House of Commons carried out to the uttermost, and that you do away with the whole permanent taxation of the country—and, observe, that if this precedent is to be followed up, the Supply for the year may be purchased by the abolition of some permanent duty, then permanent taxation will be gradually reduced to a *minimum;* and if permanent taxation be reduced to a *minimum*—if all the great permanent services of the country are to be provided for by the annual Votes of Parliament—and, moreover, I say, if all the taxes that affect trade and commerce financially are to be made dependent on the annual Votes of Parliament; if, above all, the payments for the National Debt are to be made wholly dependent on the annual Votes of Parliament—then, I say, the most serious and even ruinous consequences may result from the substitution of the system of annual for the system of permanent taxation. Therefore, while I do not say I am disposed to object to the present exercise of the discretion of the House of Commons, I do say it is a very serious question, not only for your Lordships' consideration, but for those of the House of Commons—and they are, I believe, the great majority—who value the institutions of the country, to beware of the danger and temptation that lurk in the policy of substituting annual for permanent taxation—of the danger of unsettling the great institutions of the country, shake the stability of our engagements, rendering uncertain all matters that affect the course of trade and commerce, and producing in all these matters an uncertainty that must be most prejudicial to the highest and best interests of the country. Why, my Lords, within my own recollection, there was one great tax—that of the sugar duties—which was voted annually; but such was the paralysis caused to trade by the uncertainty of these duties, whether they might be diminished or increased from one year to another, that it was found absolutely necessary to make those duties permanent. It was this, I suppose, that the right hon. Baronet to whom I have referred complained of as an infraction of the privileges of the House of Commons. But it is unnecessary for me to say that on that occasion the House of Commons acted not in deference to the privileges of House of Lords, but from regard to the necessities of the commercial interests of the country. Therefore, I hope that this question of substituting annual for permanent taxation will be deliberately and carefully weighed both by this and the other House of Parliament, before we proceed on it to an extent that may be dangerous to the best interests of the country. From what I have said your Lordships will infer that it is not my wish or intention to recommend your Lordships to interfere with the exercise of the discretion of the House of Commons in determining to abolish the paper duty. I think that Resolution an imprudent and improvident one, especially in the face of the future difficulties which menace us. But it is proposed purely as a financial measure; as a financial matter it is within the province of the House of Commons; and I should be sorry to see your Lordships set your authority and opinion on ordinary occasions at variance with the opinion of the House of Commons in a matter that is strictly within their province. But the question remains as to the power of the House of Lords—not putting itself in opposition to the vote of the House of Commons, but taking the step which, in a constitutional point of view, we have an undoubted right to take—of dividing this Bill into two and sending the two Bills, both of them agreed to, down to the House of Commons for them to accept or reject as they please. That is a course which has much to recommend it in point of principle. But, in point of prudence, I doubt whether it would be desirable. The noble Earl (Earl Granville) has repeated to-night, what has been said elsewhere, that in sending this Bill to your Lordships' House, the Commons intended it as a measure of a conciliatory character, as one intended to remove from the way a subject of controversy between the two Houses. It is certainly an odd way of conciliation for a man, when we have refused to accept his proposition, to turn back and tell us, "You may adopt or reject it as you please; but if you don't accept it you will expose the country to the most serious inconvenience; you may do as you please, but I take care to send it up to you in such a form as practically to prevent you from the free exercise of your judgment." I repeat I cannot see how this proposition is to be regarded in a conciliatory point of view. Moreover, I am inclined to the opinion that if the majority of the Government thought and desired this to be regarded as a conciliatory proposition, I doubt if that was the view of the right hon. Gentleman who proposed the measure. I cannot but believe that the right hon. Gentleman, unfortunately for his own reputation, has allowed himself to be influenced by feelings of mortification at the rejection of his measure last year by the House of Lords, and that he has indulged in what I consider the wounded spirit of mortification in a manner which is not consonant with the right hon. Gentleman's high eminence or reputation. But the question is this—the House of Commons has sent up this measure, and in a form which, I must own, is fairly within their competence. And without placing ourselves prominently in opposition to the House of Commons we have it in our power to divide the Bill which has been sent up to us by that House; and, so divided, we have it in our power to adopt it, and to send it back to the Commons for acceptance or rejection. By that course we always have a remedy in our hands by which we can vindicate our privileges when we so please; and should circumstances ever arise so extreme as to justify us in taking that course, I hope your Lordships would not be slow to vindicate your rights. But I think it would be an act of power that would undoubtedly be extreme on the present occasion. We should, I think, only be imitating an example that we deprecate and blame, and should take a course likely to excite angry feelings and animosity in the House of Commons. We should lay ourselves open to the charge of having it said, "You have no objection to these propositions, and yet you send them down to the House of Commons in such a manner that it is a challenge and defiance to the House of Commons," and I think the merits of our case would thus be brought forward at the greatest disadvantage. Therefore, while I protest against the policy of this measure—while I think you are making a sacrifice of the resources—and again I say of the permanent resources of the country, because they are secured by permanent Acts of Parliament, and that at a time when you require to husband all the available resources of the country—at a time when, as my noble Friend (the Duke of Rutland) has said, the state of affairs abroad is too critical to allow us to tamper with the finances of the country, or to place them in such a position where they are not at once available, but where for the ordinary expenses of the country you must rely on extraordinary efforts—while I think that this policy is unwise and improvident, and the form of the Bill, notwithstanding all the noble Earl has said of its conciliatory character, objectionable—still, I cannot advise your Lordships to separate the Bill, and to send it back in such a form as will render it necessary to reintroduce the whole question, to re-discuss every part of the measure, and to induce a feeling of irritation in the House of Commons which I should be the last to excite, but which I would rather endeavour to allay. It is very far from our desire, my Lords, to curtail the privileges of that House. While I uphold the privileges of our own House, I yield to no man in my desire to maintain those of the House of Commons, which are as essential to the right balance of the Constitution as the privileges of the House of Lords. I hope, therefore, my noble Friend will not call on us to divide on his Motion; and I hope that no proposition will be made at a subsequent stage of the nature which I have indicated, and which, however consistent with your Lordships' privileges, would place the country in difficulties and expose your House to merited censure. I concur with my noble Friend in many of the objections he has made; but I hope your Lordships will allow this Bill to pass as it has been introduced, and leave to the Government the responsibility—and I think it is a heavy one—of dealing in the manner they have done with the finances of the country, entailing on the country a great sacrifice and depriving her, for apparently the most insignificant objects, of resources which may be required in the hour—and God knows how soon that hour may come—when we are threatened with foreign dangers or internal difficulties.

The Duke of ARGYLL said, he could by no means agree with the noble Duke who moved the Amendment, that debates in that House were of no use unless a division took place. He thought the feeling of the House must be one of gratification that they had now reached the close of the controversy upon the paper duties, and that in the speech of the noble Earl (the Earl of Derby) they had heard the last accents of a party contest which had been one of the keenest and strangest that had happened for many years. He said the "strangest," for what were they debating about? Her Majesty's Government, having an estimated surplus of two millions, propose to divide it between the reduction of the income tax and the removal of the Excise duty on paper:—and on this proposal they were met by an opposition which was most violent and almost fanatical. He must admit to the noble Earl that there was some show of justification last year for the opposition to the proposal for the repeal of this taxation which did not now exist; but he must say he had never heard anything more erroneous than the observations that had fallen from the noble Earl respecting the deficit of last year. The noble Earl, for instance, said that the debate in that House upon the paper duty took place at a time when it was quite manifest from long continuance of bad weather that we must have a bad harvest. The fact was that the debate in their Lordship's House took place at the end of May, when there was the most magnificent weather that could be desired. It was not for a week or ten days afterward that the bad weather began. Then the noble Earl said that the deficit was overcome by the Chancellor of the Exchequer taking into account five quarters of a 10*d.* income tax within the year.

The Earl of DERBY: I admit that was an error. I meant to have said that he imposed an income tax of 10*d.* and provided that three quarters of that income tax should come into the service of the year instead of two quarters, making five quarters of the whole income tax, instead of four quarters. It is quite true that in the early part of the year there was a 5*d.* income tax. I never meant that he had taken five quarters of 10*d.* income tax.

The Duke of ARGYLL said, he could only deal with the statement as it was made, and it did appear that the noble Earl attributed to the Chancellor of the Exchequer the including of five quarters of 10*d.* tax within the year. The truth was Mr. Gladstone took credit for two quarters of the 5*d.* income tax due in arrear from the previous year, and he made a new arrangement for the future, whereby he collected three quarters in the remainder of the year. Another error of the noble Earl was one that had been repeatedly refuted last year—that Mr. Gladstone had estimated £500,000 as the whole cost of the China war. The sum really provided by Mr. Gladstone for the China war at the time of the paper duty debate was two millions and a half. There were £850,000 charged for the service of the previous year, a sum between £1,100,000 and £1,200,000 in the Army and Navy Estimates for the China war, and the half million which the noble Earl had assumed to be the only provision that was made. In point of fact, the Chancellor of the Exchequer had in his Supplementary Estimate of July overestimated the expense of the China war by £800,000. There had been a saving upon the Chinese war in reference to the Estimates, and this went to the reduction of the deficit. This was an accumulation of misstatements which was extraordinary, even upon financial questions, from the noble Earl. Another objection which had been raised by the noble Earl against Mr. Gladstone's calculations was that that right hon. Gentleman had shifted his ground, and had adopted a different basis of calculation this year to that which he took last year. But it was quite legititimate for Mr. Gladstone to take one basis one year and a different basis the next, provided that he clearly stated to the House of Commons in each case what basis it was on which his calculations were founded. The noble Earl himself had attempted to bamboozle the House as to the principle upon which the revenue for the year was calculated, and said that the difference between the deficit predicted by one noble Lord and that predicted by another noble Lord arose from their calculating upon a different basis. The predicted deficit of this year was last year stated at £10,000,000 or £12,000,000, on the basis of not taking into account the falling taxes. If it had been intended to include in this the falling taxes, then the deficit might just as well have been put down at £22,000,000. This explanation, therefore, must be abandoned. He thought it would be of advantage if noble Lords and hon. Members who indulged in predictions could be compelled to come forward at the beginning of each Session and state how far their prophecies of the preceding year had been verified or falsified. The noble Earl himself predicted last Session a deficit for this year of £2,800,000. As there was an actual estimated surplus of nearly two millions the noble Earl was in error by nearly five millions. But, deducting the taxes which were imposed in July to meet the cost of the China war, the noble Earl was in error to the extent of two millions, or £1,400,000 at least, a sum equal to the whole amount of the paper duties, which was the subject of this long-continued controversy. The noble Earl had assumed that the expenditure of this year would be fully equal to that of last, and hence his error.

The Earl of DERBY: What I stated was that if the expenditure of the next year was equal to that, we should have a deficit of £2,000,000.

The Duke of ARGYLL: But surely the Government had a right to calculate as much on the termination of the China war as the noble Earl had upon its continuance. The calculation of the noble Earl, therefore, had proceeded upon a basis which might be erroneous, and which subsequently had proved to be erroneous;—he wished, however, to point out that it was in a great degree upon the strength of that calculation that their Lordships were invited last year to reject the Bill for the repeal of the paper duty; since, however, a deficiency could not be predicted of this year, the great objection to the repeal of that duty was the place which it occupied in the general system of taxation, especially as opposed to the repeal of the tea duty, the repeal of which was now advocated as a preferable measure. A few words might be said with regard to the latter duty. The Chancellor of the Exchequer had stated in Parliament that if last year the House of Commons had expressed a preference by its vote for the reduction of the tea duty, the Government would have been ready to accede to that proposal. To that statement he might have added that the Government came to the consideration of the choice between the tea and paper duty with a perfectly impartial mind and with a sincere desire to choose that for remission the abolition of which would conduce most to the public good. There were, of course, circumstances affecting this decision last year which no longer existed now. The existence of war with China last year made it more doubtful than it otherwise might have been, whether the advantage of any reduction of the tea duty would reach the consumer. But there were other considerations more powerfully than any other had influenced the Government, and which were exactly the converse of those to which their conduct had been attributed. It had, for instance, been perseveringly represented that it was the object of the Chancellor of the Exchequer, and the tendency of the policy of the Government, to remove the permanent sources of our indirect taxation, and to throw an undue burden upon the shoulders of those who bore the direct taxation of the country. Such was not the case. Now, in regard to the tea duties, he would direct attention to the scale of duties on that article for the last few years, since this bore materially on the choice between tea and paper. The power of a nickname was always very great, and he had noticed during those debates that the tea duty had been constantly referred to as a war duty. The facts, however, would point to another conclusion. In 1852-3, before the Russian war, the tea duty stood at 2*s*. 2½*d*. per lb.—that is in a time of profound peace. In 1853 the present Chancellor of the Exchequer, who was then in office, proposed that a descending scale should be adopted, to terminate in 1860 by a duty of 1*s*. per lb. The Russian war then broke out, but so far from the arrangement having been stopped by that event the two first remissions were allowed to take place; in 1853-4, the duty fell to 1*s*. 10*d*. per lb., in 1854-5 to 1*s*. 6*d*. per lb., and it was not till 1855 that any addition was made. In that year Sir George Lewis, who was Chancellor of the Exchequer, raised it to 1*s*. 9*d*. But at the conclusion of the war, in 1857, it was placed at 1*s*. 5*d*. per lb. and at that figure it had remained ever since. What he wished to point out, therefore, was that the figure of 1*s*. 5*d*. in the pound had no reference whatever to the expenditure of the Russian war or any other war. It was a duty lower by 9½*d*. per lb. than had existed in times of profound peace previous to the Russian war. It had reference no doubt to increased expenditure, but not to increased expenditure due to any particular war. When, therefore, they had to consider the question of the tea duties last year, they had to bear in mind the fact that the expenditure of the country for military and naval purposes, although we had had several years of peace, so far from being less than in 1857, was very considerably higher—higher, in fact, by several millions. The question, therefore, really came to this—whether they were under any obligation to reduce the tea duties still farther at a time when they had been obliged to augment still farther naval and military expenditure? Certainly one consideration which weighed with the Government was this—that with such large military establishments to provide for it was reasonable and just that the whole consuming mass of the country should contribute to their maintenance and that the entire burden should not be laid upon the income tax or any other direct impost. That reason prevailed at the present moment. The military and naval expenditure was still six millions above the figure at which it stood in 1857. There was, therefore, no reason why the Government should advance farther in a reduced scale of duty which had been fixed in contemplation of a very different condition of affairs. The noble Earl had several times stated that he objected to the repeal of the paper duty because it involved the sacrifice of an important part of the permanent revenue of the country. He listened with some surprise to that statement of the noble Earl. Surely there ought to be some relation and consistency between the language of men when in office, and that which they held when out of office. True the noble Earl's Government in 1858 was in circumstances of considerable difficulty; he was weak as to his Parliamentary condition, and it was necessary for him at times to act upon the principle of "anything for a quiet life." But then they must also remember that the abstract Resolution respecting the paper duty proposed by Mr. Milner Gibson was not simply adopted as he proposed it, but was to a certain extent modified to meet the views of the Government of the noble Earl, so that with that modification, and in the terms finally adopted, the Resolution must be taken as expressing the opinion of an unanimous House of Commons. They were—

> "That this House is of opinion that the maintenance of the Excise on paper as a permanent source of revenue would be impolitic."

Now, he maintained that the noble Earl who was at the head of the Government which acceded to that Resolution was hardly entitled to argue that the paper duty could be retained as a permanent source of revenue. But supposing the noble Earl had reluctantly agreed to that Resolution, he (the Duke of Argyll) was at least entitled to draw his inference from the language of the noble Earl's Chancellor of the Exchequer, Mr. Disraeli. The words of that right hon. Gentleman were these—

> "The Government, on the subject of this particular tax, does not wish to conceal its general

opinion that it is a tax that ought not to form a permanent source of revenue."

He thought that, after such an admission from Mr. Disraeli, together with his own conduct, the noble Earl was not entitled to assume that the paper duty could be maintained as a permanent source of revenue. He would not go into the details of the paper duty, of which he believed they were all heartily tired; but in determining between paper and tea there was another very important consideration, namely, that the paper duty had been declared by the practical officers of the Inland Revenue to have become untenable, not that it could not be collected; but their statement was that the system of partial exemption which had been forced upon the revenue authorities in the course of years, and which favoured one class of dealers while it pressed heavily on another, had rendered the impost so unjust as between the different classes of traders, that the tax had become morally untenable. What was the real cause of the opposition to this Bill? He could not help thinking there were reasons for that opposition which had not been stated, and he drew that inference very much not only from the speech of the noble Earl that evening, but also from a speech of a noble Friend of his whom he was sorry not to see in his place, the late Lord Lieutenant for Ireland (the Earl of Eglinton). In a recent speech that noble Earl stated that, even if it were true that a most flagitious bargain had been made in respect to the Galway contract with a certain party in Parliament, that would not have been so bad as the throwing away of a great source of revenue by the repeal of the paper duty. How was it possible to argue with men whose minds were so intensely prejudiced as that assertion indicated? Was it not true that for the last thirty years the repeal of the paper duty had been the subject of a scientific, rather than a popular, agitation? He believed that the opposition to the repeal of that duty arose in a great measure from a dislike on the part of the noble Earl and his followers to the cheap press. It had been said that the whole of the duty would go into the pockets of the editors and proprietors of the penny papers. He believed that such an opinion was directly contrary to the known principles of political economy, and that, although for a period the proprietors of the penny papers might receive some benefit, the public would ultimately reap the advantage, if not in a lowering of the price, in the superiority of the article supplied to them. They would have a better article and more of it for their money, and in one form or another would receive the full benefit of the repeal of the tax. He believed that when such taxes were repealed, although the benefit might in the first instance go to some particular class, sooner or later the public were the gainers; and both political economy and experience taught that their repeal gave a stimulus to trade and industry. With regard to the incidence of the paper duty upon cheap publications, he had recently been supplied with some interesting statistics by Mr. Robert Chambers, the head of a great publishing establishment in Scotland, whose firm had done so much for the last thirty years for the education of the people and the extension of cheap literature. That gentleman had informed him that of the whole expense connected with the popular journals, including literary talent and printing, the item for paper was by far the largest, and that the tax upon that article was 25 per cent. He further informed him that his paper maker had announced to him that in the month of October next Mr. Chambers would receive the entire and full benefit of the remission of duty in the price of paper. That showed, he thought, that the benefit arising from the repeal of the tax would not be retained by any one class, but would be distributed over the community at large. With regard to the form in which the Bill had come up to their Lordship's House, he did not know that there was any remark of the noble Earl which was open to very great exception. The form of the Bill was said to be unusual. So it was; but then the circumstances were unusual. Even the noble Earl himself must admit that the course taken by their Lordships last year was at least unusual, even although it might not be held to be unconstitutional. He fully admitted that the Government had last year considerable difficulty in making out a technical objection to the course taken by the noble Earl. No doubt many Bills of Supply had been rejected by the House of Lords. But the course pursued by the noble Earl and by their Lordships was not so much a technical violation of the privileges of the House of Commons as a substantial violation of the established usages between the two Houses of Parliament. The real objection to that course was, not that the

Lords had rejected a Money Bill, but that they had rejected a Bill for the supply of the year which was connected with the financial proposals of the Government, and that that rejection took place entirely in reference to financial grounds. He believed that on every previous occasion when the House of Lords had rejected a Money Bill, it was in connection, not with questions of finance, but questions of general policy, which were incidental to the tax, and that in almost every instance it was distincly stated by the Lords that the ground of their rejection of the Bill was their disapprobation of some general policy connected with it. He could not help thinking that if the offence to the House of Commons was what he had incated, the course pursued by the Commons, though unusual, was perfectly legitimate. He was glad that the noble Earl had thrown over the argument of the noble Duke (the Duke of Rutland) that this Bill was in the nature of a "tack"—it was beyond controversy that in no respect whatever it was so. The whole propositions were strictly and purely financial; there was no question of general policy not connected with finance included in the Bill, and the only question was whether the Government project, being brought in as a whole, might not fairly and legitimately be sent up to their Lordships in one Bill? With regard to the general question of making large sources of the taxation temporary instead of permanent, he confessed that, to a very great extent, he agreed with the noble Earl. He thought that that would be a very dangerous course; the interests of the country generally were such that, practically, a very large portion of the revenue must continue to be raised by permanent taxation. But it was quite possible that, in consequence of the steps taken by that House last year, the House of Commons might think it due to itself and to its own constitutional power over the finance of the country, that in future, as until a very few years ago, some one great annual source of revenue should be kept in their hands, so that they might be able to send up the financial proposal of Government coupled with the renewal of some annual tax. That was quite possible, and he did not see any objection to it in point of constitutional practice. It was a course which would naturally follow from the unusual course taken by their Lorships, and besides being strictly Constitutional it had the great argument of expediency to recommend it. It would be a most dangerous practice if the Government, in making their financial proposals, had to risk a serious conflict in both Houses of Parliament. At present every Government had to consider the position of parties in the Commons when they proposed either to remit or to impose a tax; but surely it would be a serious derangement of constitutional practice, and would place the House of Lords for the future in a somewhat invidious position, if the Government had to consider, not merely the tax which would pass or the remission which should be proposed to the Commons, but the taxes and remission which were most likely to receive the separate and independent sanction of a majority of the House of Lords. If such a precedent were established, it would probably tell very seriously upon the action of Government. At present the Government were sometimes compelled to propose financial measures which were not particularly palatable among the great masses of the population; but if the House of Lords were to take advantage of popular feeling, as an attempt had been made in this case to set up Tea *versus* Paper, the decisions of the Government would be very seriously biassed. It could scarcely be considered a Conservative doctrine that a Government must always be swayed by the feeling uppermost among the great masses of the people. In his opinion the Government ought to have due regard to such feeling, but there were times when they ought to take higher ground. Before sitting down he could not help alluding to that part of the speech of the noble Earl in which he had attributed personal motives to the Chancellor of the Exchequer in respect to the form which had been adopted by the Government in sending up this Bill to their Lordships' House. Now, he could not help thinking that when personal motives were attributed to a Minister the imputation should be made in that House where the Minister was present and had the power to reply. But was it reasonable for the noble Earl to attribute to personal motives on the part of his right hon. Friend a course of conduct and policy which had been recommended by one of the noble Earl's own most distinguished colleagues, and which had received the assent of an almost unanimous House of Commons? He must add that if it were true that the just authority of the Lords were assailed, that House had a right to expect succour from the Conservative party in the House of Commons. Had any such succour been afforded. He happened personally to be present in a place which should be nameless, when a member of that Assembly — one of the Conservative party—proposed a Motion which would, if adopted, have saved the House of Lords from the assumed affront. But what was the conduct of the Conservative party? There was such a rush out of the House that he believed some of the Members were almost in danger of receiving personal damage. He believed only thirty Members of the Conservative party voted with the honest and independent Member who tried to save the House of Lords from the insult which was about to be offered to them. The inference, therefore, was that if the vast majority of the Conservatives —if that distinguished Member of the noble Earl's Government (Mr. Disraeli)— refused to interfere to save their Lordships, it ought not to be attributed to any member of the present Government that he had personal motives in sending the Bill up in its present form. He had only one more observation to make before sitting down. The noble Earl closed his speech by a few solemn words of warning to the Government, that they were responsible, and not he, for the result of the course they were pursuing. On the part of the Government he was ready to accept that responsibility. He was happy to say that the financial operations of that year closed a very long series of operations which, begun in the time of Mr. Huskisson, were carried on by Sir Robert Peel, and had now been carried to completion by his right hon. Friend the Chancellor of the Exchequer. Surely they had no reason to be ashamed of the results at which they had at length arrived. Last year they had raised, and they were to raise again this year, no less a sum than £69,000,000, and that with a facility greater than that with which any other nation in the world could raise a tenth part of that enormous sum. That revenue was raised without having recourse to one single tax which was protective, or in other words, without one single tax which was unjust to the consumer, in order to serve the interest of any particular producer; they raised that revenue without one single tax which bore upon particular trades to the injury and disadvantage of others. And last, though not least, they raised that enormous sum with an entire exemption of all the necessaries, and not a few of the luxuries, of life. That was surely a triumphant result; and in spite of the solemn adjurations of the noble Earl, he must be allowed to tell him that all the ability and eloquence he had displayed in attacking the measures of the Government were only another instance of the eloquence and ability which could be displayed in attacking the most salutary reforms, and in defending a bad, but he rejoiced to think, in that case at least, a losing cause.

EARL GREY: My Lords, though I can hardly doubt that the noble Duke (the Duke of Rutland) who has moved an Amendment to the Motion before the House will follow the advice so wisely given him by the noble Earl opposite, and will not put your Lordships to the trouble of a division, I shall take the liberty of making some observations upon the financial policy of the Government as embodied in the Bill now under discussion. But, in the first place, allow me to congratulate your Lordships upon the conclusive testimony which this Bill bears to the propriety and wisdom of the course which you adopted last year in the rejection of the Bill for the repeal of the paper duties. We all remember how the vote of this House was condemned, not only out of doors, but within the walls of Parliament itself. It was argued that for the House of Lords to throw out a Bill for the repeal of a tax which the House of Commons had passed was in effect to impose a tax upon our sole authority. It was argued that our passing a Bill sent up to us by the Commons for reducing or abolishing a tax was a matter of form, and that we were not entitled to exercise a discretion on the subject. So far was this carried out of doors that from that time to this a paper of considerable circulation has headed its daily impression with a statement of the proportion of taxation which is daily levied upon the sole authority of the House of Lords. The present Bill puts an end to that kind of argument, because the House of Commons have admitted that the paper duties are legally and properly enforced—nay, more, that they ought not to be repealed until October next. I think it is of great importance that this principle has been established; because if it were once admitted that our passing a Bill for repealing a tax was a matter of form, and that the House of Commons was the only judge of what burdens should be imposed upon the people, the same doctrine must be applied not only to Bills for taking off taxes, but also to Bills for taking off permanent appropriations. Yet, it has always hitherto been held to be a doctrine of the Constitution that there are certain great expenses which ought not to be left to the mercy or caprice of a popular assembly; that the Civil List, which provides for the dignity of the Crown, the fund necessary for defraying the salaries of the Judges and maintaining their independence, and the sums required to pay the public creditors, should be settled by permanent appropriations; and, therefore, a great distinction has heretofore been drawn, not only by writers on the Constitution, but also by Parliament, and, indeed, all parties in the country, between those permanent taxes which it requires the consent of the whole Legislature to repeal and the sums which are annually voted by the House of Commons. If the doctrine put forward last year had been acquiesced in, this great principle of our Constitution would have been at an end; but, fortunately, it is no longer in danger, because it is now freely admitted that this House is entitled to exercise its judgment upon all Bills that are brought before it, whether they refer to matters of taxation, appropriation, or anything else. At the same time, I quite concur with the noble Earl opposite, that the right is one which ought to be exercised with discretion and judgment. No man could be more convinced than myself that, except in extreme cases, we ought not to interfere with the financial arrangements which have been made by the Commons; and, therefore, though I cannot say that I see in the form in which the present Bill comes before us that desire to conciliate to which reference has been made, but, on the contrary, discover in it traces of a mortified feeling, a sense of being in the wrong, and yet of inability to get out of it, a desire at all hazards to annoy the other party—I concur with the noble Duke who spoke last that the House of Commons had an undoubted right to pass the Bill in its present shape. I am not sure, indeed, that in those extreme cases in which alone our interference is desirable, their passing the financial arrangements of the year in this form would at all interfere with the exercise of our discretion; because if they proposed any arrangement so clearly wrong that public opinion—which is the ultimate arbiter of all these questions between the Houses—would not support them, we might send it back for reconsideration, with the perfect certainty that they must bow to that supreme tribunal. I even see some incidental advantages in this form of Bill, and I am quite sure that if the Government had brought forward the financial proposals of last year in the same shape there never would have been any occasion for our exercising our power; because all those who remember what took place in the House of Commons with respect to the financial arrangements for the year will agree with me that if the whole of those arrangements had been included in one Bill—the addition to the income tax, the reduction of the duty upon foreign wines, and the repeal of the paper duty—the final majority in the Commons in favour of the repeal of the paper duty, which was only nine, would have been converted into a minority. The noble Duke who spoke last says the noble Earl opposite (the Earl of Derby) was entirely incorrect in his statement as to the calculations upon which your Lordships were persuaded to reject the Bill for the repeal of the paper duties last year, and he tells us that if it had not been for the bad harvest, which reduced the revenue, the original Estimates of the Government would have been borne out by facts. Let us consider for a moment how far that is true. I rest the decision of this House, in the matter of the paper duties last year, upon an entirely different ground. I say it was justifiable quite irrespective of the harvest and the ultimate result to the revenue. The information at that time before us clearly proved, upon the calculations of the Government themselves, that if the paper duties were repealed there would not be the means of balancing the account at the end of the year. We rejected the Bill on the 21st of May. Less than two months after—on the 16th of July—the Chancellor of the Exchequer brought a supplemental Budget before the House of Commons. In that Budget he was obliged to inform the House that he wanted £3,300,000 more than was provided in the original Estimates. He did not say that this necessity arose from any deficiency in the revenue; he said nothing about the harvest—quite the contrary; he told the House that up to the end of June the revenue was in every respect satisfactory, coming up to or rather exceeding the expectations of the Government. The sum of £3,300,000 was wanted for the expenses of the China war. It is quite true, as the noble Duke has stated, that the Chancellor of the Exchequer had made some inadequate provision for the expenses of that war in February; but upon the authority of Parliamentary Returns I deny that he had made as large a provision as information in the possession of the Government at the time warranted. A Return was moved for at the end of last Session by Sir John Pakington of the dates of the orders for sending out the whole force to China. Those orders, as far as the troops are concerned, range from October until the end of 1859; and, as far as the stores are concerned, they begin in September and go on until March, 1860, the great bulk of them being dated before the close of 1859. Therefore, the chief expenses of the expedition had been at that time incurred. Moreover, there is a despatch from Lord Elgin, dated the 11th of July, stating that two days before the whole force to be employed in the war had been collected—I think at Shanghai—and would be ready for action early in the year. Your Lordships may remember that before we entered into a discussion upon the paper duties, I asked my noble Friend the President of the Council whether the India troops serving in China would be allowed increased pay and allowances, and, if so, whether the Government had made any provision for this additional cost? My noble Friend answered that those troops would be allowed such increased pay and allowances; but that the Government had not then made any provision for this extra cost. In the month of February of last year, when the Budget was laid before the House of Commons, a sum of £500,000 was asked for to defray the expenses of the Chinese war, and Her Majesty's Government had the means of knowing, if they chose to avail themselves of them, that that amount was ludicrously inadequate for the purpose which it was intended to meet. The point was still more clear when we came to discuss the question of the paper duty in this House, and to assent to the repeal of that tax under such circumstances would have been to deprive the country of a sum absolutely necessary for the expenses which we were about to incur. It is, however, contended—and no doubt it is true—that the calculations embodied in the Budget of last year were seriously affected by the badness of the harvest; but it should be borne in mind that the prospects of that harvest were from an early period of the year extremely doubtful; that the sowing-time was most unfavourable, and that throughout the year the growing crops never looked well. It is also true that if a larger amount was lost to the Government owing to the state of the harvest, they obtained as a set-off £800,000 more in the shape of Customs than the Chancellor of the Exchequer had anticipated. I may add that when the right hon. Gentleman introduced his supplementary Budget on the 16th of July he not only availed himself of the entire sum which had been saved to him by the action of this House, but found himself compelled to raise by means of an increased duty on spirits an additional sum of £1,000,000 sterling. Despite, however, of this additional million, and the maintenance of the paper duty, the Government were obliged to admit a deficiency on the expenditure of last year of £2,500,000. It appears, then, that our financial situation at the close of last year was £3,500,000 worse than it was supposed to be at the beginning of the year. Now, it appears to me that the right and wise course, under these circumstances, to adopt would have been to take, in framing the financial scheme for the present year, the most unfavourable view of the revenue as well as of the expenditure, and thus to make sure that we should have, even in the worst state of things, a surplus in the coming year. It has hitherto been the wise practice of Governments and of Parliament so to arrange their financial schemes that if, owing to unfavourable circumstances in one year, there should be a deficiency, there might be in a subsequent year a balance on the other side, so that in the course of a series of years the debt of the country might rather be decreased than augmented. That, it appears to me, was the only honest course to pursue. But I would ask you whether, on the showing of Her Majesty's Government themselves, that is the character of the present Budget? For my own part, I am of the contrary opinion. I believe it to be a Budget which is eminently speculative. If, indeed, your expenditure should happen to be cut down as much as you anticipate; should your harvest be a good one; and none of those threatening circumstances which we now observe affect the revenue, then undoubtedly you may find yourselves in the possession of a surplus, and the calculations of the Chancellor of the Exchequer prove to be correct. Reflect, however, for a moment to the contingencies to which we are exposed. What is likely to be the result of a short supply of cotton, or a great augmentation in its price? If I am not misinformed its price will be increased, even though the production of the raw material should not be interfered with by that lamentable civil war, the occurrence of which on the other side of the Atlantic we all so much deplore. I am told that in Liverpool the rate of freight of cotton has been raised from ¾*d.* to 2½*d.* per lb.; and, if there be this augmentation in the cost of the raw material, is it not certain that you will have a slack trade during a portion of the year, and accompanying a slack trade, as a necessary consequence, a deficient revenue? Then, as to the prospects of the harvest, we know that the autumn was in many parts of the country very unfavourable to the sowing of the corn crops, which are not, I am afraid, very promising in many districts throughout the country. These are facts, my Lords, which the Chancellor of the Exchequer seems not to have taken into account. We have, I think, an augmentation already of the interest of our unfunded debt. We have, I am told, a very considerable sum to pay in connection with the Stade Dues. Great doubt prevails with respect to the receipt of the indemnity from China, on which so much stress has been laid. Indeed, I am afraid that even if we should receive that indemnity we shall find that we have not made due calculations as to the cost at which it is to be obtained, because we know that it is contingent on our keeping up a force at certain ports. Then comes a most serious question, with respect to which I find no allowance made in the estimate of the Chancellor of the Exchequer—I allude to the probable cost of the war which is now raging in New Zealand. I am afraid that that expenditure, like the expense of the Chinese war, is kept studiously out of sight. These are considerations which, I confess, prevent me from placing confidence in the financial policy of the Government. Looking back at it for several years, I cannot help saying that it is one which appears to rest on no principle deliberately considered and steadily adhered to. Recollecting the speeches of the Chancellor of the Exchequer for some years past, I am struck with the contradictory principles they exhibit within a brief space of time; and which principles were thrown overboard as soon as they had served the purpose. A few years ago the present Chancellor of the Exchequer invented, as a novel principle, the plan of raising money by Exchequer bonds, stating that they constituted no loan, but merely an advance, and that, the faith of Parliament being pledged, there was not the slightest doubt that at the proper time the bonds would be paid off. I doubted that that would be the case, and predicted that the bonds would turn out a permanent addition to the debt. Well, experience has proved that I was correct. In the last year and in the present year the Chancellor of the Exchequer turns round and says that the bonds could be renewed, and that there is not the slightest occasion to pay them off until convenient. Well, if that were so—if it was intended that these bonds should be renewed from time to time—why depart from the old system of Exchequer bills? Again, a few years ago, we were told by the right hon. Gentleman that it was inexpedient that our taxation should rest to too great an extent on annual taxation. That doctrine was also altogether thrown aside last year, before the question of privilege arose, and a very large and dangerous amount of revenue was made to depend on annual taxation. The same high authority, the Chancellor of the Exchequer, denounced the income tax in most unmeasured terms, declaring that it was a tax that ought to be reserved for war, and war only, and urged the claims of the poor for a reduction of the duties on tea and sugar. This want of steadiness and consistency in the views taken by the Government, and especially by a Member of the Government responsible for the finances of the country, leads to very serious evils—to a changing backwards and forwards of taxation which greatly adds to its burden. The inequality and injustice of the income tax are the more felt when the tax is imposed for short periods; but when the income tax varies backwards and forwards, being now high and now low, it presses with extreme severity on certain classes of income. What has been the consequence of the want of steadiness in the views of the Chancellor of the Exchequer? In 1855, with his entire and cordial support, the income tax was reduced to 5*d.* in the pound. It has since been 10*d.*, and is now to be 9*d.*, and in one half year it was practically 13*d.* in the pound. Parliament and the country have a right to expect from the Government greater stability in the measures they submit to Parliament, and in their policy with respect to the taxation of the country. None of your Lordships can have forgotten that in the course of the year 1854, when the Russian war was breaking out, the Chancellor of the Exchequer made most eloquent speeches enforcing the duty of providing for the expenses of that great European war, not by loans, but by taxation. What, however, did the Chancellor of the Exchequer do last year? The expenses of the comparatively small Chinese war were taken in great measure from the balances of the Exchequer and other sources, which proceeding was equivalent to a loan; and the Chancellor of the Exchequer himself submitted to Parliament a proposition for embarking in a great scheme of national defence on borrowed money. Shakspeare says that "borrowing dulls the edge of husbandry," and that is true in respect to States as well as to private individuals; and it is important, when it is proposed to embark in a system of fortifications which will only lead to an absolute waste of enormous sums, that the Chancellor of the Exchequer should call on the House of Commons to provide the money by taxation, and not by borrowing. I find that it is the opinion of officers both of the army and the navy that the expenditure will be fruitless, that the fortifications when completed will be useless owing to the improvements in gunnery; and I believe that this extravagance would not have been sanctioned by the Commons if they had not been enabled to shift a great portion of the burden from their own shoulders to the shoulders of those who are to come after them. There is another important matter, the unanimity of the Government. For the last two or three years it has been said in common conversation that there are portions of the measures proposed by Her Majesty's Government to which certain Members of the Government are entirely opposed. It was rumoured last year that these national defences were opposed by the Chancellor of the Exchequer and other Members of the Government. On the other hand, a rumour was equally current that there were other Members of the Government who rejoiced exceedingly over the decision to which this House came last year on the paper duty. I have no means of knowing any of the secrets of the Cabinet. I hope such reports were not true, but they were current in men's mouths, and they derived much confirmation from the language held by various members of the Government. It is impossible not to be struck by the discrepancy in the tone of various Members of the Government, when the necessity of this expenditure is in question. It reminds one of a humorous passage in Sir Walter Scott's novel of *The Antiquary*, in which Sir Walter talks of the two partners of the bank. When he was in good circumstances the civil partner was brought to him, who was everything that was smooth, and who asked him only to say what he wanted and the thing should be done. When, on the contrary, difficulties accumulated, the smooth speaker retired, and the other partner came forward, who held very different language, and told him he should be outlawed unless he produced an impossible sum by a given day. The Government resemble, in fact, one of those Dutch clocks in which one figure or another comes out according to the state of the weather. Now, we have one Member of the Government coming forward to recommend a reduction of taxes and dilate on the enormity of the expenditure; and then, when it is argued that a good state of defence ought to be maintained, we have language of a totally different character from other Members of the Government. I should like to see more steadiness in the conduct of the Government, and less want of harmony in their measures. I wish to see a judicious economy and a thrifty provision for our expenditure; but I see a reduction of taxation made that would only be prudent and justifiable in the event of a determination on the part of the Government to make a great reduction of the expenditure; while at the same moment they are proposing measures which tend to keep up this large expenditure. I should like to see a more judicious economy enforced. When I see what is going on abroad and the immense preparation that is going on in various ports of France, I do not think that any reduction can safely be made in our means of defence. But the Government have not taken a statesmanlike view in regard to what ought to be done. Two years the Speech from the Throne recommended an increased grant of money for the navy. I then observed that it was most impolitic, in the then state of naval science, to go on increasing the large ships of war. I was not listened to. The present Government were not then in office, and they are not, therefore, responsible for what was then done. The body really responsible is the House of Commons, which takes up these matters so lightly, and urges the Government into measures which have not sufficiently been considered. What has been the result of the expenditure of 1859? The result is that before these large ships are completed there is not an officer who does not agree that they have become perfectly useless for the purposes for which they were designed. The other day I went on board one of our splendid line-of-battle ships—the *Duke of Wellington,* at Portsmouth. I was told what an admirable ship she is; how well she sails and steams, and that if she had new engines she would be the finest ship of the class. But how did the officer who told me this conclude? He said, "It makes me melancholy to think that the day for these three-deckers is gone by." What with iron-plated ships, gunboats, large shells, and molten iron, it is impossible to risk these huge three-deckers in action. I believe it is under consideration whether these great ships cannot be cut down with advantage and plated with iron. The Government are doing precisely the same thing with respect to the fortifications that they have done with these ships. The whole art of gunnery and the science of fortification are in a state of revolution. They are spending enormous sums of money, the repayment of which is to be spread over thirty years, and, long before these fortifications are finished, they will be pronounced useless. The public have a right to complain, and to ask the Government on the one hand to keep down the expenditure as low as they can, and that, on the other hand, some settled views shall be deliberately adopted and steadily adhered to by which the expenditure thus increased shall be provided.

Lord MONTEAGLE said, he would not long detain their Lordships, but as he was responsible for the Motion made last year to resist the repeal of the paper duty, and as his arguments on that occasion had been impugned in the present debate, he desired to vindicate the accuracy of the calculations he had made on the probable amount of the deficiency which he apprehended would be found to exist in the Estimates for the late year. He knew that this calculation had been attacked "elsewhere," and a similar charge had been made, and with equal error against his noble Friend Lord Derby. The only error they had either of them committed was that of having adopted, as the basis of their reasoning, the hypothesis of Mr. Gladstone's respecting the expiration of the property and war duties. The Chancellor of the Exchequer had admitted that there would be an enormous deficiency if things remained exactly as they were last year and the expiring taxes had not been renewed. This he called, as would be remembered, his great chasm. He (Lord Monteagle) had based his calculations on the same ground; adopting for the sake of argument, Mr. Gladstone's statement of facts, and he had further assumed that good faith would be kept with the public, and that the income tax, and the tea and sugar war duties would be reduced. It was, of course, very easy to say that a calculation was erroneous when the person who made it had not the power of giving an answer, and when the objector claimed and exercised a power of comparing two calculations made upon different bases, as if they rested on the same principles. The fact was that the difference between himself and the right hon. Gentleman arose from the difference of the meaning of the terms which they employed; the right hon. Gentleman used words in one sense at one time, and in a different sense at another, surplus, deficiency, little chasm and great chasm with him had their peculiar meanings; and the consequence was that there was confusion and alternate identity and difference which did not in reality exist. At any rate those who live in glass-houses should not throw stones; and if ever anybody did live in a glass-house it was the right hon. the Chancellor of the Exchequer himself; for seldom was there a case presenting a greater contrast between the predictions of the financier and the results of his measures, than was to be found in relation to the financial propositions of the last few years. According to the Chancellor of the Exchequer's last balance sheet on the 31st of March last the expenditure was no less than £2,558,000 in excess of the income; and he should like to know by what ingenuity it could be shown that this sum could be reconciled with the estimated surplus of £464,000 promised to Parliament, on the 10th February, 1860, or the more modest admission of a deficiency of £1,286,000 acknowledged on the 15th July, 1860. Was there ever witnessed "a greater crash and ruin of unfulfilled prophecies?" How could the deficiency of

£2,558,000 have been provided for out of the small balance of £464,000 surplus that was calculated on for that year? But it was provided for in part out of very different sources. Financially, the Government had been living by anticipating the Revenue. The income tax, collected in the ordinary manner, would have produced £8,900,000, but by the mode of collection adopted by the Chancellor of the Exchequer it was made to produce £10,900,000; the malt duty, which in the ordinary course of receipt would have produced £5,700,000, actually realized £6,274,000. This could not be considered as a natural increase of revenue, it was a mere discount of Government bills before they were due. The hop duty had proved a disappointment; but by anticipating the two former duties the Chancellor of the Exchequer had added £3,000,000 to the receipts, though not to the Revenue of the year. Thus last year the Government were living, not on increased income, but by anticipated receipts; they were now repeating the same ingenious process, and on a large scale. But it could not be continued, and, unless the expenditure should be largely reduced, or new sources of income discovered, the deficiency must continue, or, perhaps, increase. He feared, therefore, that the financial statement of this year would prove fallacious like the last. This year, as well as the last year, there were financial charges kept back. Last year, although the Budget was not stated until after the Defence Commissioners had completed and even presented their Report, and the Government, therefore, well knew the recommendations it contained, they carefully kept out of sight that a large sum of money would be required for fortifications. They maintained an obstinate silence, refusing all information, and withheld a Report which, though dated 7th February, 1860, was not delivered to Parliament till the 13th June. They then obtained a loan of £2,000,000 to be raised on terminable annuities for the expenditure of the last year. The total estimate was no less than £9,000,000; yet the Government had not informed Parliament how much would be required for these defences in the course of the present year. Nor had they told them how the means were to be provided for to defray the increased interest on the unfunded debt. What would be the full and ultimate demand on the public purse was still left a matter of mystery and concealment. Nor was this all; further services were now named, though not included in the Budget; there was a proposal to settle the question of the Stade Dues by money compensation; but how much was to be paid, and when had not been as yet officially stated. The inconvenience of such a mode of dealing with the finances piecemeal had been shown last year when the Chancellor of the Exchequer was compelled to go down to the House and propose a supplementary Budget. How will they reconcile this course with that which they now propose as for their new but not very constitutional decision? The course they propose to adopt was not more rational than extraordinary. It was avowed that the combination of all the financial proposals in one Bill was intended to restrain the free action of the House of Lords, and to this course as a friend to the Constitution of England he (Lord Monteagle) was strongly opposed. He did not think that House in consequence of its successful vote of the last Session was fairly open to the charge of disregarding the rights of the Commons. The new mode of coercion recommended by the Government had been censured by one of the most faithful friends of popular rights. Mr. Fox, in 1787, in allusion to a proceeding similar to that now proposed by the present Government warned the Hous of Commons against a step that he described as being "Not only a bad precedent for the Commons, but one whic would as absolutely preclude the Hous of Lords from the rights of free debate as if they followed the example of Olive Cromwell and silenced that necessar and constitutional branch of the Legislature." [*Hansard's Parliamentary History*, vol. 28, p. 508.] On a subsequen day Mr. Fox repeated his argument pointing out "the difficulty in which the Hous of Lords would be placed by the blending together of two objects in one Bill,' concluding by the advice that "instead giving the Lords reason to complain the Commons for having narrowed the grounds both of debate and voting, the ought studiously to avoid giving caus for such complaint." [March 21, 1787 *Hansard's Parliamentary History*, vol. 26 p. 757.] He (Lord Monteagle) did n ask their Lordships to reject the Bill fo a repeal of the paper duties now sent them by the Commons a second time, bu he called upon them to act with caution lest in acquiescing in the objectionabl union of two differing and contradictor financial enactments they might be held to adopt a principle capable of unlimited application, and practically restricting the rights of that House, and its legislative freedom of action. In the present instance could the House of Lords believe that the blending together of these two Bills was at all necessary to prevent any interference with the rights of the Commons? The deliberate decisions of the other House were always received with respect by their Lordships, and the decision of the Lords as pronounced last Session by a majority of eighty-nine votes was no assertion of usurped privileges, but the exercise of an unquestionable right. This had now ceased to be a matter of controversy. Yet that decision had last Session led to an almost unexampled amount of vituperation coming from certain quarters not, perhaps, wholly disinterested. That vituperation had been overcome mainly by the good sense and feeling of the people at large. Their Lordships would recollect the opening of an office in Parliament Street to organize a resistance to what was most untruly designated as the aggression of the Lords. It proved a miserable failure. The proposition to substitute annual for permanent taxation was another mode which was recommended for coercing the House of Lords; but he begged again to warn the Government of the serious nature of the course they seemed but too ready to untie in adopting. Let them consider the consequences that would flow from converting our permanent taxation into taxes annually voted. This would be fatal to Mr. Pitt's greatest measure—the establishment of the Consolidated Fund—and would disturb the security of all charges placed upon that fund from the Civil List of the Sovereign to the deposit of the peasant in savings banks. To deprive the fundholders of the security they at present possessed was a proceeding of too much danger to be compensated even by the magnificent idea countenanced by high authorities of coercing the House of Lords. He feared that the abandonment of the paper duty had been resolved on, not for any public purpose but to afford some consolation to certain parties for the check they had received last year from the wise and he would add the popular proceeding of that House in the last Session. Another important question deserved a more serious consideration. A contingency which now seemed imminent, had in 1842 been foreseen and announced by the sagacity of Sir Robert Peel. It seemed to be approaching rapidly. In considering the financial state of England you are told by official authority that you are bound to take into account the financial position of India. Mr. Laing, the financial representative of the Government of India, had recently included in his Budget an announcement of incalculable importance. His words were as follows:—

> "I have only allowed for a small decrease in the Home Charges proportionate to what we know of the actual numbers in Report—namely, from £2,772,610 in 1860-1, to £2,500,000 in 1861-2; but I hope and believe the reduction will be much larger. It is perfectly manifest that the officers and men belonging to Indian regiments in depôt are as much a reserve for England as for India. In case of any sudden and serious danger threatening England there is no doubt that these troops would be available there, and it is not fair that India should pay the full cost of the reserve establishments in India under such circumstances. The day is past when England can consider India as a sort of milch-cow on which to draw for a little here and a little there in order to ease an English Estimate or resuscitate an English Budget. Strict and impartial justice must be the rule in all money matters between England and India if England wishes to get a return for her capital, which will soon amount to £100,000,000 invested in Indian securities and railways, and wishes to see India the best source of supply for her raw material and the best market in the world for her staple manufactures. I know that arrangements are pending at home by which we hope to commute all charges for depôt or, otherwise, for a fixed sum for every soldier in India."—*Bombay Times*, May 11.

This is frank, and these statements held out very clearly a prospect that at least some portion of the military expenditure in India must hereafter be provided for in the English Estimates. From the observations he had already felt it his duty to make he (Lord Monteagle) believed that there would be a difficulty in meeting expenditure so increased, and in such case next year we might be driven to impose new taxes. We shall then regret the unwise step we take in repealing the paper duties. They were now about to repeal an indirect tax on paper, and to diminish a direct tax—the penny in the pound imposed on property. But this apparent equality in the apportionment of relief was but delusive, the country must remember that the penny of the income tax might, and probably would, be reimposed hereafter to meet any deficiency; while, if they now gave up the paper duties, it was perfectly impossible ever to revive them. He must not, however, be misunderstood. He was no admirer of the paper duties, or indeed of any other tax. All taxes were necessary evils. He would be glad to repeal a tax if it could be done without risk; but it behoved Parliament to select well the taxes chosen for repeal, and above all things to be cautious in dealing with a source of revenue which, once given up, could never be restored. The taxes which had the first claim to be remitted or repealed were, in his judgment, those imposed to provide for the exigencies of war. Introduced to meet the pressure of an emergency, Parliament was logically and even morally bound to reduce or abolish them after that emergency had ceased. To this the faith of Parliament was pledged. He was surprised to hear it asserted that the increased tea and sugar duties were not to be considered as war taxes. Why, that was the very appellation which had been applied to those taxes by the Ministers themselves. The noble Lord concluded by disclaiming any asperity of feeling towards the Government in the remarks which he had made. He had risen before the noble Lord to his left (the Lord President) to give him the advantage of a reply, and he did not apprehend in his case, as unfortunately had been shown in the case of his colleague the noble Duke (the Duke of Argyll) who had preceded him, that *Doris amara suam intermisceat undam.*

The Duke of RUTLAND said, that as he had gained his object by eliciting an expression of the opinion of the House, he would accede to the suggestion of his noble Friend (the Earl of Derby) and would not press his Amendment.

Earl GRANVILLE said, that since the noble Duke (the Duke of Rutland) had acceded to the appeal made from both sides of the House and had withdrawn his Amendment, he would not trespass on their Lordships' time by offering any lengthened reply to the observations made in the course of the debate. His embarrassment in rising to address their Lordships on a question of such vast importance was increased by finding himself so liable to offend the critical ears of his noble Friend opposite (the Earl of Derby). His noble Friend had objected to his peculiar phraseology in pronouncing the word "wropped," which he presumed the noble Earl pronounced "wrapped." This, however, was a question of personal pronunciation, and he must assert the right of every Englishman to pronounce certain words in the way which pleased him best; and before he could bow to the noble Earl's correction he must know whether it was wrong to pronounce the name of the capital of the central county in England "Derby" instead of "Darby." He must say he felt much gratified with the course the debate had taken. It was most satisfactory to him to know that, after that very short discussion, the Bill would receive the assent of their Lordships' House without further opposition. They had now heard all that could be said against the present Budget. ["No!"] He had a great opinion of the mercy of the noble Lords who had spoken against the measure, but he must presume that they had urged all the objections which they could find against it. The points upon which the noble Duke chiefly relied in opposing the proposals of the Government were the absence of any surplus, the superior claims of the tea and sugar duties over the paper duties for repeal, and the mode in which the Bill had been introduced into their Lordships' House. He had already stated the reason why the Government were entitled to assume that their estimated surplus was correct. The noble Earl had laid down a rule with which he could not agree. It was incumbent on the Chancellor of the Chancellor of the Exchequer to give a straightforward account of his anticipation as to the revenue, founded on the calculations laid before him by the different Departments. The noble Earl said it was his duty to place his estimate of the expenditure at the highest possible point, and to place the income at the lowest amount which he expected to receive. The noble Earl employed the word "honest" repeatedly in his speech; yet the course he suggested would not be, he would not say honest, but either expedient or wise. The Minister was bound to explain distinctly to Parliament the exact financial position of the country, and if he anticipated a large surplus it was not competent for him, especially in times when Governments were not omnipotent, to represent that surplus at a fancifully reduced amount, instead of proposing to apply it to the remission of taxes which, in his deliberate judgment, ought to be, and safely could be, remitted. By following the noble Earl's recommendation he might gain his object the first year; but, when the House of Commons and the country came to know that the Minister was in the habit of extracting from the pockets of the people more taxation than was required to defray the public expenditure, there would be an immediate reaction, and the proceeding would be defeated. He would not enlarge on the inconsistency of denying the surplus and yet advocating a reduction of the tea duty, involving a greater sacrifice of revenue than that proposed by the Government. As to the tea duty being a war tax, its present rate was imposed after the war had been entirely closed. The present Chancellor of the Exchequer strongly objected to that measure at the time, and in a manner, as he thought, more violent than the occasion required, even if he had been right in his opinion. But only three months afterwards, when the expenditure —although at a period of peace—came to bear more of the character of a war expenditure, his right hon. Friend came forward and cordially approved the course taken by the then Chancellor of the Exchequer. With respect to the form in which the present Bill was introduced, he owned that the debate entirely satisfied him. The noble Duke opposite (the Duke of Rutland) was the only person who thought the measure offensive to their Lordships and unconstitutional. Most of the other speakers had admitted that it was quite constitutional, and perfectly within the powers of the other House. A noble Earl near him (Earl Grey) had gone even further, for he said the House of Commons were justified in the course they had taken. The noble Lord the Comptroller of the Exchequer (Lord Monteagle) had said that to frame the Bill in its present shape was wholly unnecessary. It was all very well to state that, but, if last year, before the rejection of the repeal of the paper duty, he had suggested in the Cabinet that the second reading of the Bill would be thrown out by their Lordships, the idea would have been treated as incredible. The noble Baron had directed his remarks principally against the Chancellor of the Exchequer; but, as the right hon. Gentleman was not there to answer them, he thought it would have been better and more dignified if some of those remarks had been avoided. A great part of the noble Baron's argument was levelled, not against that Bill, but against the proceedings of the Chancellor of the Exchequer last year, and even against the propositions of the present Chancellor of the Exchequer when he was previously in office. Noble Lords opposite seemed exceedingly anxious to defend themselves. The noble Baron said they discussed the repeal of the paper duty in August last with the knowledge of a bad harvest. A simple reference to *Hansard* would show that it was in May that they debated and rejected it. Another noble Earl (Earl Grey) said they had a knowledge of the bad harvest in May.

Earl GREY explained that he had said there was then a suspicion as to the harvest, but that the rejection of the Bill was not justified on that ground, but on the fact that in a subsequent statement the Chancellor of the Exchequer said there was a necessity for additional taxation.

Earl GRANVILLE: It was certainly stated that there was a great deal of doubt as to the harvest. The noble Earl went further; he said that in July the Chancellor of the Exchequer did not admit that the chances of the harvest were bad, but that up to that moment the revenue was very good. The noble Earl complained that troops and stores were ordered out to China in the autumn. That was perfectly true, and it was for the purpose of sending them that increased Estimates were taken, an additional sum of £500,000 being asked for in the military and naval departments. The whole depended on when that war broke out and how long it lasted. The noble Baron, who was formerly Chancellor of the Exchequer (Lord Monteagle), laughed at the idea of the weather being regarded as an element in the deficiency. He must say he was not a little surprised at this. That very autumn on malt and hops alone there was a deficiency of £1,000,000, attributable, of course, to the weather; and something like another £900,000 on spirits, from the state of the barley crop. A good deal of irrelevant matter had been introduced into the debate to which he would not refer. He should not enter into the financial statement of Mr. Gladstone, and it would be even more out of place to go into the question mooted by the noble Earl (Earl Grey) with regard to the Government having borrowed money last year for fortifications. Again, with regard to the construction of a certain class of ships now building, to which the noble Earl had objected, he thought that a very fair subject for debate, but certainly not upon the present occasion. He did not think it necessary to go into the financial statement of Mr. Laing, an extract from which had been read by the noble Baron, whether directly bearing on this country or on India; but this he might say, that the inference which the noble Baron drew from it was altogether unfounded. The noble (Earl Grey) had spoken of rumours of disunion in the Cabinet. Considering the noble Earl's connections and intimate relations with them all, he could not help observing that if such a thing as disunion existed and was known to the noble Earl, it could have become known to him only by the confidence of private communication, and then his high sense of honour would have made it impossible for him to introduce the matter as an element of discussion; but if it was unknown to him, and he had based his observations merely from flying rumours, there was no justification for the noble Earl having made it an argument in debate. But he did not think that his noble Friend was quite the person to talk about disunion in Cabinets. With regard to what took place in Lord John Russell's Cabinet, his (Earl Granville's) lips were of course sealed; but, earlier than that, when he was very young in political life, he remembered hearing a story which was current at the clubs at the time of Lord Melbourne's Government. His noble Friend the noble Earl objected to all the measures of his colleagues; at length Lord Melbourne requested him to sit down and write his objections. Rumour said that the noble Earl declined to do so; whereon Lord Melbourne, rubbing his hands, said, "When you have no one to object to but yourself you cannot get on." He congratulated their Lordships on the general tone of the debate, and still more on the practical termination of it. Prophecies were not safe things to indulge in; but this measure had been well considered. It was right in principle, and likely to lead to the same happy results that all similar measures for the removal of restrictions on commerce had succeeded in accomplishing.

Motion *agreed to;* Bill read 2ª accordingly; and *Committed* to a Committee of the Whole House on *Monday* next.

House adjourned at Ten o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, June 7, 1861.

Minutes.] Public Bills. — 1° Parochial and Burgh Schools (Scotland) (No. 2); Leases, &c. by Incumbents Restriction; Voters (Ireland) (No. 2); Durham University.

2° Lace Factories; Naval Medical Supplemental Fund Society; Transfer of Stocks and Annuities.

3° Volunteers, Tolls Exemption (No. 2).

INDIAN COMMISSIONS.

QUESTION.

Major GAVIN said, he rose to ask the Secretary of State for India, Whether first Commissions in the Regiments transferred from the Local Army in India to the Crown are obtainable with or without purchase, or by competitive examination?

Sir CHARLES WOOD said, that the first commissions would be available in the first instance for providing for the demands of the sons of officers in the Indian Service, to whom the privileges they had formerly enjoyed were to be continued. The general question of entering the Queen's Army was a different matter, on which he was not now prepared to give an opinion.

SOVEREIGNS OF THE SYDNEY MINT.

QUESTION.

Mr. Alderman SALOMONS said, he would beg to ask Mr. Chancellor of the Exchequer, If Her Majesty's Government have any Reports from the Master of the Mint, or other official persons, on the subject of making the Sovereign coined at the Branch Mint at Sydney a legal tender throughout Her Majesty's Dominions; and, if so, whether there is any objection to produce such Reports for the information of the House?

The CHANCELLOR of the EXCHEQUER, said, there was a correspondence now in progress upon this difficult and at the same time interesting question, whether the Australian sovereign should be allowed to circulate throughout Her Majesty's Dominions, or at least through the United Kingdom. That correspondence, of necessity, proceeded but slowly, as there were several parties to it—the Colony on the one hand, and on the other, in this country, the Treasury, the Bank of England, and the Colonial Office in particular. He should be glad, however, if it were desired, to produce the correspondence as far as it had gone, for it was very desirable that public attention should be called to the subject, as it might assist the Government in the consideration of the subject—and much consideration would be necessary before a safe conclusion could be arrived at.

UNITED STATES—THE CIVIL WAR—PRIVATEERING.—QUESTION.

MR. LIDDELL said, he would beg to ask the Secretary of State for Foreign Affairs, Whether the proposal made by Her Majesty's Government to the United States, and the so styled Confederate States of America, to interdict the armed ships and also the privateers of both parties from carrying prizes made by them into the ports of the United Kingdom, or of any of Her Majesty's Colonies or possessions abroad, is or is not at variance with former practice; and also whether it is true that the Government of the United States have agreed to act towards the ships of this country on the principles laid down in the declaration of Paris?

LORD JOHN RUSSELL: With regard, Sir, to the last question of the hon. Gentleman, that forms a part of the subject which the hon. Member for Galway county (Mr. Gregory) has intimated his intention of bringing forward to-night, and it is, therefore, better that I should defer any remarks upon it. We have made no proposal to the Government of the United States or to the Confederated States with regard to bringing in prizes to any of Her Majesty's ports; what we have done is to give orders to the authorities in the ports of the United Kingdom and to Her Majesty's Governors in the Colonies to interdict the entrance of ships of war or privateers with prizes into any of our ports. With regard to the usage it is difficult to say what the usage has been, because there is hardly any instance of a considerable maritime war, being carried on in which many prizes were made where this country has been neutral. There is no doubt, according to the opinion of the Queen's Advocate, supported by the authorities on the Law of Nations, that every Power has a right to interdict the entrance of prizes into their ports. Mr. Wheaten in his well known treatise lays it down that it is entirely within the discretion of any Power so to interdict the entrance of ships of war or privateers with prizes.

THE ENGLISH AGENT AT PESTH.
QUESTION.

MR. DUNLOP said, he wished to ask the Secretary of State for Foreign Affairs, Whether it be the case that the Austrian Government has demanded the withdrawal of Mr. Graham Dunlop from Pesth, and whether he has been, in consequence, recalled to Vienna; also, whether his conduct while at Pesth has given occasion of dissatisfaction to Her Majesty's Government, or any just cause of complaint to that of Austria?

LORD JOHN RUSSELL said, the position of Mr. Dunlop was that of an Attaché to our Embassy at Vienna, and he was sent to Pesth by his (Lord John Russell's) desire, and according to the wishes of our Ambassador at Vienna; but it was remarked soon afterwards by the Austrian Government that his presence there might seem to give some countenance to the disaffected party in Hungary. His answer to that was that if at any time the Austrian Government should wish him to leave, as we had no right to keep an Attaché there, he should be withdrawn immediately. The Austrian Government did express their desire that he should leave, but it was not founded on any part of the conduct of Mr. Dunlop. On the contrary, the Austrian Government had no fault to find with him; and Her Majesty's Government had every reason to be satisfied with the faithful and impartial reports which he had sent home.

MR. T. DUNCOMBE said, he wished to know whether there is any objection to produce Count Rechberg's Despatch requiring Mr. Dunlop's withdrawal?

LORD JOHN RUSSELL said, there were no despatches from Count Rechberg on the subject. He had stated some time ago in conversation, that if Mr. Dunlop was to remain at Pesth other agents from other countries would be sent there, and it would be inconvenient to the Austrian Government. Count Rechberg never made a formal demand that Mr. Dunlop should be withdrawn.

THE VOLUNTEER VOTE.—QUESTION.

In answer to Sir JAMES FERGUSSON,

LORD ELCHO said, his wish was to bring on the Motion of which he had given notice with regard to the Volunteer Vote as soon as possible. He was informed by the Under Secretary for War that it was his intention to bring on the Volunteer Vote the first in Committee of Supply on the Army Estimates to-night, and if so, he (Lord Elcho) should bring his Motion on then.

PROTESTANT WORSHIP IN SPAIN.
EXPLANATION.

LORD JOHN RUSSELL: Perhaps the House will allow me to make a statement which affects myself personally. I wish to explain what has been my conduct with regard to a debate which took place in this House, and at the same time to answer certain charges made against me. It appears that on the 18th of May a question was put in this House to my noble Friend (Viscount Palmerston) with respect to Mr. Brackenbury and the Vice Consul at Xerez. After that debate my noble Friend called my attention to the subject, and I immediately sent for the papers and examined them carefully. Some days were necessarily employed in framing a draught despatch on the subject; but on the 28th of May I wrote this draught to Consul Brackenbury —

"Foreign Office, May 28.

"Sir,—With reference to your correspondence with Sir Andrew Buchanan respecting Protestant worship at Xerez, I have to state to you that the refusal of Mr. Gordon to allow Protestant service to be performed in his house, on the ground that he could not, as a Roman Catholic, conscientiously do so, makes it desirable that his office as British Vice-Consul should be transferred to some other person. Her Majesty's Government are perfectly aware that, as Mr. Gordon points out in his letter to Mr. Methuen, there is no Act of Parliament under which British subjects have a right to claim the use of a Consul's house for the performance of Divine worship; but it is obvious that in Spain, where the laws are such that British subjects are unable to obtain permission to worship according to the tenets of the vast majority of Englishmen, in any other place than the Consular residence, Her Majesty's Government are bound to favour the appointment to Consular offices of persons who are not impelled by conscientious scruples to refuse to their countrymen facilities for Protestant worship in their Consular residences. I have, therefore, to instruct you to recommend, as a successor to Mr. Gordon, some other British resident at Xerez, who would not object to the performance of Protestant service in his house."

The House will now be able to judge whether I am in fault or not.

Sir **ROBERT PEEL**: I wish to say one word in explanation. The date of the despatch is the 28th of May. The discussion took place in this House on the 18th of May. I said last night that I had read a letter dated the 27th of May, and up to that period Consul Brackenbury had received no orders from Her Majesty's Government or the British Minister at Madrid. As I know that the mail only takes five days from Cadiz to London, I ask the House whether or not the noble Lord, with due submission to his important duties, might not have made the communication at an earlier period?

UNITED STATES—THE CIVIL WAR.

OBSERVATIONS.—MOTION POSTPONED.

Colonel **WILSON PATTEN** said, that, before the Order of the Day for going into Committee of Supply was read, he wished to make an appeal to the hon. Member for Galway (Mr. Gregory), and to ask him whether it was absolutely necessary that he should proceed with the Motion of which he had given notice:—"To call the attention of the House to the expediency of the prompt recognition of the Southern Confederacy of America"? He believed he was speaking the opinion of a great number of persons who were well acquainted with everything which related to the United States of America, and who were deeply interested in our maintaining friendly relations with those States, when he said that it would be very inexpedient at the present moment to enter upon such a discussion.

Mr. **GREGORY** said, in answer to the question of the hon. Member, he could assure the House that he was the last man who would willingly involve the country in any embarrassment, or take any course which would in any degree be prejudicial to the maintenance of friendly feelings with America. He had proposed to bring forward this Motion because he thought it only fair that one section of the States should have an opportunity of justifying the course which they had taken, and the only object which he had in view in bringing forward the subject was that he might endeavour, if possible, to give a perfectly impartial statement of the differences which exist between the two sections of that country. He must say that he felt himself almost pledged to do so, in consequence of the letters that have been published in the papers, and the speeches that have been made by American Plenipotentiaries; but, although they had heard only one portion of the question, although the information which had been published came almost exclusively from Northern sources, and although he was almost pledged to persevere in his Motion, yet seeing that there was such a strong feeling in the House on the subject, he was unwilling to do anything which could in the slightest degree aggravate or embitter the dispute. He would not put himself in opposition to the wishes of the House, so generally expressed, and, therefore, he would postpone the Motion to some future opportunity. His hon. Friend the Member for Birmingham said, "Withdraw it." He would postpone it *sine die*, with the hope that he should have some opportunity before the close of the Session of bringing forward the subject; because he must say that it was most unfair and most unjust that publications should be circulated throughout England in which the Southern Confederacy were accused of unwarrantable secession, and its members were called traitors and perjurers; and that he should have no opportunity whatever of putting forward their case in a manner in which it could be dispassionately considered.

Mr W. E. FORSTER said, he wished to know whether the hon. Gentleman meant to bring the subject forward on another occasion or to postpone it altogether?

Lord ROBERT CECIL said, he hoped it would be understood on behalf of those who did not take the same view as the hon. Gentleman who had just spoken—["Order."]

Mr. SPEAKER: I must remind the noble Lord that there is no Question before the House.

Mr. MONCKTON MILNES wished to ask the hon. Member for Bradford (Mr. W. Forster) whether it was his intention to proceed with his Motion; which, he apprehended it was perfectly competent for him to do, notwithstanding the withdrawal of the Motion of the hon. Member for Galway? —"To call the attention of the House to the inexpediency of interfering in behalf of those Citizens of the United States who are now in insurrection against their Government, by a recognition of the Confederacy which they have formed."

Mr. W. E. FORSTER entirely agreed in the feeling of the House that it was most undesirable there should be a discussion on the merits of the quarrel between the States of America. He should never have thought of putting his notice on the paper had it not been for the notice of the hon. Member for Galway. If it were only the intention of the hon. Member to postpone his Motion for a short period he believed it would conduce to a better understanding of the relations with America and to preventing misconception were he to bring forward his Motion to-night. [*Cries of* "No!" and "Agreed."] With the understanding that the Motion of the hon. Member was postponed indefinitely, he would withdraw his Motion altogether.

Mr. CRAWFORD asked the hon. Member for Galway, whether his notice would remain on the paper? ["No—he said *sine die*."]

Mr. Gregory

On Motion for the House to go into Committee of Supply,

APPOINTMENT OF MAJOR GENERAL EDEN &c.—OBSERVATIONS.

Mr. CONINGHAM rose to call the attention of the House to the appointment of Major General Eden to the colonelcy of the 50th Regiment. He said that in bringing forward this subject he desired to disclaim all personal motives; he desired to ascertain on what principle these important offices, giving considerable emoluments, were conferred. He understood that the principle on which the appointments in the Army and Navy were made was the principle of solution by merit. If they were made on that ground, he did not know how it was applied to the case of Major General Eden; and if they were made on the ground of seniority certainly this appointment of General Eden could not be justified. It was clear that Major General Eden had not received his appointment on the ground of seniority, for there were many officers who stood before him in the *Army List*, and whose names had been honoured by distinguished services. There was, for example, General Nicoll, a full General, who entered the service in 1803, and was severely wounded in his 107th action. In the list of major generals he found the name of Major General Cole, who had entered the service seventeen years before Major General Eden, who stood fifth on the list of major generals, and to whose name many distinguished services were attached; while General Eden stood twenty-fifth on the list. Then, if the principle of seniority was abandoned and if the principle to be adopted was that of meritorious services, he might say that Major General Eden's name did not appear on the list of good service pensions. There were a number of other officers whose services were almost fabulous, and, therefore, if those appointments were to be made on the ground of merit, nothing could be more unfair than the choice of Major General Eden. If the selection were owing to the circumstance of his being a Guardsman it was equally unfair, as there were distinguished names before his on the list of Guardsmen. Among the General Officers who were not colonels of regiments he might mention the following:— Major General Porter, who entered the service in 1810, and who went through six campaigns in the Peninsula, Major General Elliott, who also entered the service in 1810, and had the war medal with five clasps; Major General Pringle Taylor, also an officer of distinguished service; Major General Sir Robert Garratt, who entered the service in 1811, and served till 1854-5; Major General T. Williams, Major General Napper Jackson, Major General M'Pherson, Major General Bell, who had obtained a medal of three clasps; Major General Sir Robert Law, who wore a medal with six clasps. In fact, it was only necessary to turn to the *Army List* in order to see with how much unfairness this lucrative sinecure had been conferred. He had reason to know that that appointment had created great dissatisfaction throughout the service. He had received a letter from an old officer at Liverpool who stated that Major General Eden had no services to point to, and neither a medal nor a bit of riband to display, and that the appointment was regarded by all veterans as a most atrocious Horse Guards' job. He did not suppose that it was Major General Eden's fault that he had not had an opportunity of rendering distinguished services to his country, or that, if he had had such an opportunity, he would not have taken full advantage of it; but he held that important emoluments such as those of a colonelcy should be bestowed, not merely on a good man, but on the best man that could be selected. There was a similar appointment last year, which excited not a little dissatisfaction, and the Horse Guards could not be allowed to continue to dispense patronage in the same fashion. He wished to ask the Under Secretary for War on what principle the appointment was made, and whether the same principle was to be applied for the future? He felt that no apology was required for bringing the subject before the House. It was not a matter of prerogative, with which the House had nothing to do, but one which it was not only their right but their duty to consider.

MR. T. G. BARING said, he thought if the hon. Gentleman had taken back his recollection to a conversation that took place in this House last year, he would not have supposed that there was any doubt as to the responsibility that attached to the appointment to the colonelcy of regiments. The noble Lord the Secretary of State for War, in his evidence before the Committee on Military Organization, distinctly stated that the responsibility of these appointments rested on him; and in a discussion that subsequently took place in this House he in no way disputed the right of the House of Commons to call in question anything connected with the administration of the army. With regard to the observations the hon. Gentleman had made, he did not collect from them that he had raised any fresh point from those which had been raised in the previous discussion. He had certainly mentioned the names of two or three officers who he considered should have been preferred to Major General Eden for this appointment. But before doing so he hoped the hon. Gentleman would permit him to say that he wished he had consulted those who were acquainted with the position of officers in the *Army List;* because he had mentioned the names of several officers who were not on the established list, but who had retired in one way or other, and who had not even the right to be considered. That disposed of his statement about General Cole and others. [MR. CONINGHAM: What others?] He believed that Major-General Piper also was not on the established list. He thought it unnecessary to discuss the names of those officers who had been mentioned by the hon. Member, with this exception, that in mentioning the name of Major General Bell, whose name had been before mentioned in the House and in the public prints, as an officer who had a first claim to such an appointment, he thought he might be allowed to say that Major General Bell stood forty or fifty lower down in the list than Major General Eden; and there were many other officers not mentioned by the hon. Gentleman who could not have been passed over in favour of Major General Bell. Now the principle on which these appointments were recommended by the Commander-in-Chief to the Secretary for War was this—the fixed list of General officers was taken as they came in seniority, with this exception, that officers who had rendered distinguished services in the field—and by distinguished services he meant officers who had distinguished themselves by command in the field, not officers who had by the accident of the service been engaged in the field—should be considered before those who had not been fortunate enough to have been so engaged. Now, let them see how this principle had been carried out in the case of General Eden. No less than twelve officers junior to Major General Eden had been appointed to regiments previous to his appointment. He would not trouble the House with mentioning the names of those officers, because he thought it better to avoid, as far as possible, discussion on the comparative merits of officers. But with regard to the services of Major General Eden, he begged to repeat what he said on a former occasion. It had been stated elsewhere that Major General Eden was a Guardsman. He (Mr. Baring) stated the other in this House that Major General Eden was not a Guardsman. Of course, he conceived that any Gentleman who paid attention to these subjects would have understood that he meant that General Eden did not rise to the rank of lieutenant colonel by service in the Guards, which was the advantage which officers of the Guards had in respect to their promotion to the rank of Major General over the Line. General Eden served to the rank of lieutenant colonel in a regiment of the Line, taking his share of service like any other officer attached to Line regiments. It had been stated that Major General Eden had not served in the Colonies; but the fact was that he had served in the West Indies twice. The first time he served with his regiment as major for a year, and the second time as lieutenant colonel of his regiment for the same period, and the reason he did not stay longer was, that his health suffered so much that he was obliged to return home. Was it a reason that he should be deprived of his chance of these appointments, that he had not been able from the disposition of the regiment he commanded, to render service in the field? General Eden served uninterruptedly for thirty-seven years on full pay. After his promotion to the rank of Major General he had the command of the Western District for four years. That was not a lucrative command—on the contrary, the officers who had those commands were in all probability put to considerable expense; therefore, so far from that being an objection to the appointment of General Eden to the command of a regiment, it might be said on the contrary that it gave him an increased claim. He, therefore, thought the principle of selection, as he had stated it, had been fairly carried out in this case, and the Commander-in-Chief and the Secretary for War were fully justified in giving Major General Eden a regiment, and no such words as "Horse Guards' job," and so on, ought to be applied to this appointment. If the expression used by the anonymous correspondent of the hon. Gentleman were to be considered for a moment by those who had the management of the affairs of the army, and if the officers who had not been to the seat of war were to be debarred from consideration in appointments of this kind, the greatest dissatisfaction would be created, and great injury done to the service.

COLONEL NORTH did not withdraw a word which he had said the other evening upon this subject. The post of honour for an officer was that to which he was ordered by his Sovereign, and nothing could be more fatal to the Army than only to reward service in the field. And what was service in the field? If an officer sat upon his horse at the head of his regiment or his brigade, exposed only to the same fire to which every drummer boy in the regiment was exposed, that was not distinguished service, and did not merit peculiar reward; but, on the other hand, if he had performed services such as those of General Sir Hope Grant, who had recently concluded the war in China, no one would grudge him any honour or reward which might be conferred upon him. General Eden had had on all occasions fulfilled his duties as an officer. He never refused to go to the colonies. On the contrary, he was two years there with his regiment as major and lieutenant-colonel, and returned home, not of his own choice, but to the command of the depôt. Three years afterwards he received the command of his regiment, and immediately joined it; but his health was so seriously injured that he was obliged to return home two years afterwards, and was then told by his medical advisers that if he was again exposed to a tropical climate his life would be in considerable danger. That surely was a service which did not disentitle him to the rewards of his profession. He did not think that he should ever have a better opportunity than this of asking the hon. Member for Brighton (Mr. Coningham) to explain why he and his Friends availed themselves of every opportunity like this to make attacks upon the Guards—as gallant and distinguished a body of men as ever served in any army in the world? Had the hon. Gentleman anything to say against the conduct of the officers of the Guards? Had they not always performed their duty in the most honourable and distinguished manner? Had the hon. Gentleman anything to say against the non-commissioned officers of the Guards? They were as fine a body of men and as good soldiers as any in the world. If he had nothing to say against them he had better spare his remarks, which old soldiers must feel to be extremely disagreeable and insulting. One of the complaints most frequently urged against the Guards was that they did not serve in India or the Colonies; but the hon. Gentleman himself once belonged to a heavy dragoon regiment, and it was only very recently that the heavy dragoons began to take Indian or colonial service. If the hon. Gentleman thought that he could excite a feeling of hostility or jealousy between the Guards and the Line, he should recommend him to employ his time in some more profitable manner, because that was an undertaking in which he would never succeed.

SIR JOHN TRELAWNY thought that his hon. Friend the Member for Brighton had been rather hardly used by the gallant Officer. His hon. Friend did not say a word against the non-commissioned officers of the Guards, because it was known that in those regiments all the work was done by the non-commissioned officers. He was rather surprised that hon. and gallant Officers should be so anxious to come forward and defend the acts of the Commander-in-Chief and the Secretary for War. It was much the same as if all the lawyers in the House were to rise to defend the Lord Chancellor, or a number of clergymen the Archbishop of Canterbury. He wondered that the hon. and gallant Gentlemen had not better taste, and did not see that the public might be led to imagine that they took this course in the hope that they themselves might get a turn some day—an imputation under which he was sure that the hon. and gallant Officer who had just spoken would be most unwilling to suffer.

MR. BERNAL OSBORNE said, that he was not backward in giving the name of "job" to any act either of the Horse Guards or of the Admiralty which he thought deserved that title; but in this instance he thought that his hon. Friend the Member for Brighton (Mr. Coningham) had been misinformed, and had not sufficiently acquainted himself with the circumstances. General Eden had much cause to complain of the conduct of the hon. Gentleman towards him. He had not the honour of knowing General Eden, but he had taken the trouble to acquaint himself with the facts of the case. That gallant officer came under the second category laid down by the Under Secretary of War — namely, officers who had not had the good fortune to be distinguished in battle, but who had served their country long and faithfully in whatever part of the world they were called on to do so. The hon. Member for Brighton had endeavoured to prejudice his case by saying that, as a Guardsman, he had received extra pay. [Mr. CONINGHAM was understood to express dissent.] Yes, a particular stress had been laid on extra pay. Now, what were the facts? General Eden on joining the service entered the 84th Regiment, and having served in it for some time he went into the 52nd, and did duty wherever he was ordered. Finally, he went to Jamaica with the 56th Regiment, which was so wasted with illness that a number of men, greater than that which originally left home, was buried while the regiment remained there under the command of General Eden. That he called much harder and perhaps as meritorious service as if he had been called to meet death on the stern field of battle. A Medical Board sat upon him, and he was ordered to come home; he went out again in nine months, and, being once more attacked with yellow fever, another medical board sat upon him, and declared that unless he went home at once his life would not be worth a month's purchase. He wished to return to Jamaica, but his medical advisers would not allow him to do so. And now came the question of extra pay. He laid out £3,000 on exchanging from lieutenant colonel in the Line to be captain and lieutenant colonel in the Guards; and everybody knew what loss of rank was involved in giving up the command of a regiment to do captain's duty at St. James's. The hon. Member ought to have informed the House that of the long list of officers which he had mentioned all, with one exception, had long retired from active service, and were what was called vulgarly in the navy "Yellow Admirals." A very great injustice had been done in this discussion not only to General Eden, but to the Horse Guards. Let the hon. Member put his finger on a job and support the statements with good arguments and sound information, and he would support him; but it was prejudicing the cause of reform both in that House and in the public mind to bring forward a case such as that of General Eden proved to be upon investigation.

GENERAL LINDSAY was exceedingly sorry that this, to some extent, should have been made a Guards' question. It had been said that it was the non-commissioned officers who made the privates, but from something like thirty years' experience in the Guards, he knew that it was the officers who made the non-commissioned officers, and they in turn helped to keep up the discipline of the battalion. He supposed that when the hon. Member for Brighton alluded to the increase of pay, he was not so much speaking of the increase of pay as a Guardsman, but as a General Officer removed from the Guards. He would remind the hon. Gentleman that that increase of pay entirely ceased when the officer became a colonel of a regiment, and was absorbed in the general pay. The hon. Gentleman must be aware that the whole subject of military appointments had been explained before two Parliamentary Committees—one in 1833, and another which sat last year—he meant the Committee on Military Organization. The rule laid down in appointments was that those officers were first preferred who had performed distinguished military service, and then colonial service. He would remind the hon. Gentleman that Major General Eden had been under this principle passed over by a number of officers junior to him on account of meritorious war services. Two of these had served in the Peninsula, one in India, one with distinction in the Crimea, one in the Crimea and at the Cape, one in the Mahratta war, and one had served in India and also distinguished himself at Lucknow. Remembering that with the exception of the Crimean war there had been no great European conflict since the Peninsular campaigns, it was only natural that the great majority of officers in the rank of generals should have seen little service in the field, though they had commanded regiments with distinction in every part of the world. Whose fault was it that they had not been engaged on war service? One of the most painful feelings to which an officer could be subjected was when war was going on to be excluded from his share of the glory and advantages. Would it not, then, be additionally unjust to lay it down as a rule that any man who had not seen actual war should be debarred from becoming colonel of a regiment? He thought it would be most injurious to the service if the claims of those who had been debarred the opportunity of war service, because their regiments were employed in other or colonial service, were neglected. The Duke of Wellington, while always taking care to reward distinguished merit in the field, had always laid it down as a principle that officers unable to be with the army in a campaign, but who were serving their country in other parts, should not be passed over. He could corroborate the statement made by the hon. Member for Liskeard, and he might add that General Eden, as it happened, did not exchange from the 56th Regiment into the Guards till the former had been ordered from Jamaica to Canada.

MR. WHITE said, if hon. Gentleman entertained a low estimate of the impartiality of the Horse Guards the hon. Member for Liskeard himself was responsible for that impression, having while in office, or shortly after his retirement, stated that the best thing which could happen at the Horse Guards would be for the Serpentine to be turned through it, as that would be the only effectual method of getting rid of all the jobbery and corruption which prevailed there. General Eden ought to be grateful to his gallant colleague the Member for Brighton, as his Motion had been instrumental in eliciting all the testimony which had been given to his good services and admirable conduct. He only regretted the gallant Member for Oxford should have felt it necessary to import the Guards' element into the discussion. [Colonel NORTH: Why do not you leave the Guards alone?] He hoped they would not be left alone, but that on all occasions testimony would be borne in that House to the gallantry and good service of the household troops. But he thought they showed an excessive sensitiveness on all occasions.

DEATH OF COUNT CAVOUR.

OBSERVATIONS.

SIR ROBERT PEEL: Sir, may I be permitted to call the attention of the Government and the House thus early to a subject which has been alluded to in the other House of Parliament, and which, I am quite sure, without any reference to party-feeling or prejudice, might now elicit an expression of feeling in this House—I refer to the death of Count Cavour? It does appear to me that this is a fitting occasion when the House of Commons might take an opportunity of expressing its deep feeling of regret and sympathy for the loss which Italy has just sustained in the premature death of that statesman—a man who was certainly the most conspicuous statesman that ever directed the destinies of any nation on the Continent in the path of constitutional liberty. I believe it would be well that some slight allusion should be made to this subject. It is not for us to scrutinize the decrees of Providence in the dispensation of human affairs, but I do think that the calamity which has fallen on Italy, and which has darkened the prospects and the peace of Europe at this moment, is a subject that ought to engage the attention of this House, and that, irrespectively of that tribute which the public opinion of this country will pay to the memory of Count Cavour, it becomes us to give an official expression to our own feelings of regret for the loss of the man, and of condolence with that nation on whom this loss must most heavily fall. I may remind the House of that which is, perhaps not, within its knowledge—that in 1850 the French National Assembly entered in the *procès verbal* of the 5th of July a record of its regret at the loss which at that moment this country was sustaining. I think that, without doing anything derogatory to this Assembly, we might take some such course now. The noble Lord at the head of the Government might suggest some mode by which we could enter on the records of this House an expression of our sense of the loss which Italy and Europe generally have sustained in the death of Count Cavour. Many hon. Gentleman in the House disapproved the policy of Count Cavour. Many of us—perhaps from not knowing the difficulties and dangers which encircled his course—questioned his policy and criticised his conduct. But he is gone; he lies wrapped in the sleep of death, and I believe it is befitting us, when we now see the merits of his character rising so conspicuously to our view, to give some expression to our sympathy and regret. I am sure I not only give utterance to the opinions of many in this House, but also of very many in this country, when I tender to the memory of that man my tribute of respect and regret as a simple Member of Parliament.

LORD JOHN RUSSELL: Sir, having been engaged in diplomatic transactions with Count Cavour, and the hon. Baronet having thought proper to mention the subject on this occasion, I cannot but feel it due to the memory of him who is gone to say that I believe there never was a man who devoted himself, heart, and mind, and soul, more entirely to his country than the late Count Cavour. Undoubtedly he had great ability, he had capacity for great labour, and that ability and that labour were devoted, from the earliest time at which he was capable of giving an opinion, to achieve the independence of the people of Italy. There is no one who looks back to the time when he commenced that enterprise but must see that it was a task attended with the greatest difficulty. The manner in which he began to interest the Powers of Europe, by proposing to act in concert with England and France in the Crimean war, and afterwards at the Congress of Paris, by stating, in the face of European statesmen, what he considered to be the grievances and wrongs of Italy, while it showed how deeply he felt those grievances and wrongs, showed also that he had an intuition as to the means by which alone the independence of Italy, now happily achieved, could be accomplished. This is not the time to speak of the various transactions in which he has been engaged. I had the good fortune both diplomatically to treat with him and to be personally and privately acquainted with him, and I cannot forbear offering this tribute to the memory of a man destined to stand conspicuous in history.

THE O'DONOGHUE: Sir, I rise for the purpose of expressing my entire dissent from the proposal of the hon. Baronet the Member for Tamworth, and from the praises lavished on the late Count Cavour by the noble Lord the Foreign Secretary. One of the principal features of Count Cavour's policy was hostility to the temporal power of the Pope. And, Sir, the character of that policy was a persistent and systematic misrepresentation of the state of things in the States of the Church, in order to screen and favour the aggrandisement of Sardinia. Sir, this policy—such a policy—may, I have no doubt, harmonize with the prejudices of many hon. Gentlemen on both sides of this House, who are ready to believe every story about Papal misgovernment with that stupid bigotry of many of the people of this country, who are equally ready to believe it; but I have no doubt that it is a policy which is a gross outrage on the feelings of the great majority of Christians throughout the world. I say that I yield to no man —either to the hon. Baronet or the noble Lord the Foreign Secretary—in my desire to see the Italian people free. I say that I yield to no man in my desire that Italy should be entirely free of Austrian domination; but I refuse to accept the armed supremacy of Sardinia over the heretofore free peoples of Italy as a true definition of Italian liberty. Sir, I am not afraid, even in this House of Commons. to say that I think I see the finger of

God's justice in the death of Count Cavour. [*Loud cries of* "Oh, oh," *and interruptions.*] Sir, do not let the House misunderstand me. ["Oh, oh!" *and renewed interruptions.*] I am far from exulting ["Oh, oh!"] at the termination of his career. ["Oh, oh!"] On the contrary, I regret it. I regret the death of Count Cavour ["Oh, oh!" *and continued interruptions*], though, no doubt, I regret it for reasons very different from those of many other hon. Gentlemen. [*Renewed cries of* "Oh, oh!"]

MR. MONCKTON MILNES: Sir, I think that the hon. Gentleman opposite (the O'Donoghue) entirely misapprehended the intention of my hon. Friend the Member for Tamworth. It was not his intention that the House of Commons should dispute over the dead body of a great man. He desired, and I believe most Members of this House desired, without reference to any particular form of opinion, to pay the homage of constitutional opinion in this country to a statesman who founded constitutional institutions in his own, and who, in addition to that glorious achievement, has doubtless brought about a great national unity—has realized and made a fact what for so many years has been the dream of the best men in Europe. We feel here—I know that I feel—so deeply the disappearance of this foremost man in Europe from this earthly scene that I am conscious that words are utterly inadequate to express the solemnity of the occasion. We are not called on to discuss the character of an individual, but to express as solemnly and as simply as we can our sense of the mighty loss which Europe has sustained in the removal of a great guiding mind — a mind which had the power not only to grasp the destinies of Italy, but in a great degree to contribute to the peace of the world by the combination of a determination, a moral courage, and an intellectual vigour which I believe exist in no one other statesman of Europe. My hon. Friend has alluded, with a modesty which becomes the son of so great a man, to the fact that the National Assembly of France entered upon its formal records the sympathy of France and Europe for the death of Sir Robert Peel. Perhaps it is not so much in accordance with our usages — separated as we are from the immediate action of continental struggles—to adopt such a formal proceeding; but, as in the other House of Parliament, so in this, I believe it would be well that both sides should give expression to their sympathy and regret, all the better, perhaps, for being the less mixed up with political feelings and political opinions. And, Sir, on that matter I should not have said a word had it not been that the hon. Gentleman opposite has taken upon himself the function of interpreting the ways of Providence in a manner which I am sure he himself, in his better moments, will not approve. Even though led away by religious enthusiasm—[The O'DONOGHUE: No!]—it is hardly for him or for me, or for any mortal man, in the exercise of his miserable, feeble judgment, to say whether the disappearance of Count Cavour from this world will tend to that object which the hon. Gentleman himself wishes to promote—whether the confusion and difficulties which the Catholic Church has sustained in later times may not be rendered more distant, and those difficulties may not be increased —whether that humiliation, which I never wished to see, may not be effected in the absence of that great man, who, I believe, never let out of his mind the important fact of the constitution of the Catholic Church, and who, having lived and died a sincere member of that Church, did nothing more against it than he believed to be consistent with his character as a statesman, and necessary for the prosperity of his country. It would ill become me to pronounce a panegyric on his name, for the best panegyric is to be found in the sympathy of the whole civilized world. The feelings we entertain are not merely to be attributed to a sense of the loss we have sustained, but to the fear which, I believe, will agitate the mind of every far-seeing statesman who looks to the difficulties that may arise on the great questions which are now to be discussed, and which will be discussed without the aid of that great and powerful spirit whose wisdom and patriotism have so often directed such discussions to success.

VISCOUNT PALMERSTON: Sir, I cannot refrain from adding a few words to what has been said by those who have preceded me. I must own that there can be no person more fitted to introduce this subject to the consideration of the House than the son of that eminent statesman whose memory was made the subject of a formal tribute of admiration by the Legislature of the neighbouring country of France. Sir, my hon. Friend has suggested that some proceeding of the same sort might be adopted on the present occasion. But, with all submission, I would say that every country is guided by its own habits in such cases, and that that which may be congenial to the customs of countries on the Continent may not be in accordance with our own. I believe there is no instance on record of any proceeding such as my hon. Friend would suggest even in the case of the most distinguished statesmen of our own land whose departure from among their contemporaries may have been the subject of regret. Therefore, I think the House will content itself with an expression of sympathy with what has fallen from my hon. Friend the Member for Tamworth, and from other Gentlemen who have taken part in this discussion. I am not going to follow the hon. Member who has spoken on the other side of the House (the O'Donoghue), who has introduced matter which I think had better been omitted. But I feel that I should be wanting to my own sentiments if I refrained from concurring with those who have expressed the deep regret which is felt for the loss of this distinguished man—a loss not only to his own country, which will deeply deplore him, but to the whole of Europe, and whose memory will live embalmed in the grateful recollection of his countrymen and in the admiration of mankind so long as history records his deeds. When I speak of what Count Cavour has done it ought to be borne in mind that the most brilliant acts of his Administration, and those which have most attracted the notice of the world—namely, the political extension of unity throughout Italy—are, perhaps, not those for which his countrymen will most revere his memory. It should be remembered that he laid the foundation of improvements in the constitutional, legal, social, and, indeed, in all the internal affairs of Italy, which will long survive him, and confer inestimable benefits on those who live and on those who are to come hereafter. It may be truly said of Count Cavour that he has left a name "to point a moral and adorn a tale." The moral which is to be drawn from the life of Count Cavour is this—that a man of transcendant talents, of indomitable energy, and of inextinguishable patriotism, may, by the impulses which his own single mind may give to his countrymen, aiding a righteous cause—for I shall so call it, in spite of what may be said to the contrary—and, seizing favourable opportunities, notwithstanding difficulties that appear at first sight insurmountable, confer on his country the greatest and most inestimable benefits. That is the moral to be drawn from the history of Count Cavour. The tale with which his memory will be associated is one of the most extraordinary —I may say the most romantic—recorded in the annals of the world. We have seen under his influence and guidance a people who were supposed to have become torpid in the enjoyment of luxury, to have been enervated by the pursuits of pleasures and to have had no knowledge or feeling on politics, except what may have been derived from the traditions of their history and the jealousies of rival States—we have seen that people, under his guidance and at his call, rising from the slumber of ages with the power of "a giant refreshed," breaking that spell by which they had so long been bound, and displaying on great occasions the courage of heroes, the sagacity of statesmen, the wisdom of philosophers, and obtaining for themselves that unity of political existence which for centuries had been denied them. Sir, I say these are great events in history, and that the man whose name will go down to posterity connected with such a series of events, whatever may have been the period of his death, however premature it may have been for the hopes of his countrymen, cannot be said to have died too soon for his glory and his fame.

Motion *agreed to.*

SUPPLY—ARMY ESTIMATES. VOLUNTEER CORPS.

House in Committee.

Mr. MASSEY in the Chair.

(In the Committee.)

Motion made, and Question proposed,

"That a sum, not exceeding £133,276, be granted to Her Majesty, to defray the Charge of Volunteer Corps in Great Britain, which will come in course of payment during the year ending on the 31st day of March, 1862, inclusive."

LORD ELCHO said, a notice had been on the paper in his name for a long time, having reference to this Vote, with a view to his calling the attention of the House to the wants of the Volunteer Corps. He regretted that he had not had an opportunity of calling attention to the subject sooner, as much misunderstanding had prevailed as to the views of those who wished it to be discussed in the House. If he had introduced this question at the first formation of the Volunteer corps, the main want to which he would have had to call the attention of the Committee, he would have been to the want of popularity experienced by the Volunteers—for there was no denying the fact that when the Volunteer movement first began it met with little sympathy from the public and little encouragement from official men. He recollected the Prime Minister talking, in his jocular way, about "the Rifle fever;" but a great change had come over the public mind. To be popular a man must now be a Volunteer; the Volunteer service was now always associated at public dinners with the toast of the Army and Navy, and he hoped the Volunteers would prove themselves worthy of the honour; and as for his noble Friend the Prime Minister he was himself a member of a Rifle corps, and they all knew that he could not go through the forms of an election without being attended by a Volunteer guard. It was not, therefore, to any want of popularity on the part of the Volunteers that he had to call the attention of the House, but to more material wants which, if not attended to, would lead to a diminution of the number of the force. He had endeavoured to ascertain the numbers of the Volunteer force, and he was able, on the authority of Inspector General McMurdo, to state the numbers with near accuracy. There were, of Cavalry and Mounted Rifles, 562; Artillery, 20,360; Engineers, 1,482; and Riflemen, 125,551: making a total of 147,955. That statement was made up from returns which had been in the office for two months previous, and since then the numbers had increased by about 2,000, so that altogether the force might be taken as numbering 150,000 men. That was a large force to have been raised by voluntary enlistment. But the Committee would readily see that something more than public spirit and patriotism were necessary to call into existence a force of this description. Such a force had not been raised without a very considerable outlay incurred by those who had either served in or assisted it. The expenses of a Volunteer corps were not confined to the mere uniform, accoutrements, and drill-sergeants. They had to provide themselves with drill and musketry instruction, drill-grounds, ranges, targets, armouries, armourers, head-quarters, and then came advertising, printing, postage, stationery, travelling expenses, and bands. The Committee might smile at this last item, but it was very dull work, and the men could with difficulty be got together, without bands, and although he admitted that they led to a considerable expenditure, bands were really a *sine quâ non.* Prizes and incidental expenses must also be taken into account; and he did not think he should exaggerate when he stated his conviction that these 150,000 men had spent, or had cost those who supported the movement, the sum of £10 per man—so that about £1,500,000 had been raised by voluntary taxation for the establishment of this force. A conviction existed on the part of those who had the means of forming a judgment, that unless some further assistance was given in addition to that which they now received from Government, a very large proportion of the force would gradually fall away; and he should endeavour to show that Government could give further assistance without in any way interfering with the Volunteer character of the force; at all events, without interfering more than at present. It was said out of doors that if the Government gave any further assistance they would destroy the independence of the force, and alter its Volunteer character. Now he, as a Volunteer, must express his utter inability to understand the meaning of the word "independence" as applied to a military force. If the independence of the Volunteers meant that this force of 150,000 men was not to be under proper control and authority—if it meant that any Volunteer officer, on his own responsibility, and without the consent of the authorities, might at any time collect together 10,000 or 20,000 men in any part of the country, of whom he was to be the self-appointed commander—the sooner such a force was done away with the better; because the day might come when such a force might be a source of danger instead of safety to the State. He was confident, however, that he expressed the opinion of nine-tenths of the Volunteers when he said that, while they wished to retain such an amount of indpendence as was their due, being Volunteers, and as was consistent with the War-Office Memorandum of June last, they felt also that the force ought to be under legitimate control and authority; they felt that they were constitutionally under the War Office, and under the War Office they wished to remain. A great deal had been said about the Horse Guards. The Horse Guards was a bugbear which frightened a great many people, but he did not believe it frightened the Volunteers. As to the illustrious Duke now at the head of this

Department, he, from the commencement of the Volunteer movement, had done all in his power to foster it. He was colonel of a Volunteer Rifle regiment; he was president of the National Rifle Association; on all occasions he had given them good advice; and, moreover, he had done signal service to the Volunteers and to this country by setting the example of binding together in a sort of brotherhood of arms the Regulars and the Volunteers. He (Lord Elcho) hoped, therefore, they would hear no more of attempts on the part of the Horse Guards to interfere with the independence of the Volunteer force. It was observable that those who decried further Government assistance, and who declared that it would alter the character of the force, were generally persons who made eloquent speeches in favour of the Volunteers, but who did not further assist the movement either in purse or in person. If the Volunteer character of the force was destroyed by Government assistance that character was gone already. When about two years ago the Secretary of State for War brought into operation the old Act of *Geo.* III., under which the Volunteer force was constituted, the only inducement he held out was that if the Volunteers lost an arm or a leg, Chelsea Hospital was open to them, and that, if killed, their widows would receive a pension. On the other hand, they were to clothe, accoutre, arm themselves, and bear all expenses. It was soon found out, however, that Volunteers did not come forward so freely as was hoped for, and the pure Volunteer principle was, therefore, broken in upon. The Government first armed the Volunteers; and then, with a view to teach them the use of their arms, adjutants were provided, with inspectors and a staff, and the Government also provided ammunition. Though, however, there was here a departure from the pure Volunteer principle upon which the force was originally constituted, still assistance was given according to a strict principle, which was that Government gave such assistance as was necessary to secure the efficiency of the men. All they now asked for was that this principle should be extended, and that the Government should give only the further assistance which was necessary to their efficiency. The conviction that something more was necessary in order to maintain this force led to a meeting of commanding officers of the metropolitan corps, and the resolutions passed at that meeting embodied the views both of those were present and of those who did not attend, the latter having subsequently given their assent to them. These resolutions amounted to this:—That the Government, who now gave the Volunteers aid in the shape of adjutants, arms, inspectors, and ammunition, should extend the assistance to drill sergeants, practice ranges, and some allowance for enabling them to take proper care of their arms. For his own part, he confessed that he could see no difference in principle between giving an adjutant and giving a drill sergeant. Drill sergeants were difficult to obtain, each cost £40 or £50 a year, and in the country a company of fifty or sixty men could not incur the expense of providing themselves with drill sergeants. Then, subscriptions from honorary members could not be permanently relied on; they formed a most uncertain source of income; and, what was worse, the Volunteers were put to shifts to obtain money by means of bazaars and balls, to which, though such devices might not be discreditable, the House of Commons ought to save them the necessity of resorting. He had received a letter from Sir Arthur Elton, the late Member for Bath, in which the same views were set forth, and the writer expressed his opinion that the Volunteers ought not to be left to raise the wind in any such way. The assistance asked for being strictly in accordance with the principle on which Government aid had been hitherto given, it was only right and fair that the Government should render such further aid. The resolutions which he had referred to were, as he had said, adopted by the officers of metropolitan corps; but in order to ascertain the views of the officers in the country he, having been chairman of the meeting, took the liberty of circulating these resolutions throughout the country. To his letter there had been between 100 and 200 replies, and, with one exception, all were favourable to the proposals contained in the resolutions, the writers declaring almost invariably that without some assistance of this kind the Volunteer force could not be expected to continue at anything like its present number. The following were found to be the expenses of various corps taken indiscriminately:—The Brecknock Rifles of 347 men expended on drill, maintenance of rifle range, and similar expense, exclusive of orderly room and so forth, £244; the 15th Suffolk, an administrative battalion, 569 men, £516; the 2nd Essex, with 700 men, £830; the

15th Cumberland, with 900 men, £850; 4th Gloucester, 800 men, £389; 1st Northamptonshire, 345 men, £415. His own corps, which mustered about 670 men, spent £350. The Inns of Court Corps—[Mr. MALINS: Hear, hear!]—he thought he recognized the voice of, he hoped, an efficient member of that corps, and he would correct him if he were wrong—mustered between 400 and 500 men, and their expenditure on these items was £303; but they expended £1,346 for their share of a rifle range. The members of this corps had peculiar advantages; they lived in barracks at Lincolns' Inn, in the Temple, and Gray's Inn; they had drillgrounds close to their own doors, they hung up their rifles with their wigs and gowns, and whenever they had a spare hour they took their rifle off its peg—whether with or without the wig and gown he did not know, for he never saw them at drill—ran down and had an hour's drill on the green in their own courts. Therefore, if at a review they appeared to do better than other corps, it must be remembered that they were very advantageously situated, besides the peculiar intelligence which belonged to gentlemen of the long robe. The 1st Orkney, numbering 56 men, expended £47; the Robin Hood Rifles, of 600 men, spent £531. The result showed that the expenses to which the Volunteers were put on these heads amounted to between 10*s.* and 15*s.* per man. A sum of £1 per man had been mentioned at the meeting at the Thatched House, as the amount which should be contributed by the Government, but that was merely meant as an index to the Government of the *maximum* cost of these things. The additional 5*s.* was proposed to be expended on what were called travelling expenses. This might be a point open to dispute; but it must be borne in mind that we never could get administrative battalions into a proper state of efficiency unless they were brought together and exercised in battalion and brigade drill. That would, of course, be a source of expense; but it was a matter for the Government to consider whether these companies ought not to be brought together. They certainly never could be efficient without such meetings. There never had been any question of asking the Government for anything so foolish as that each individual Volunteer should have £1 to spend as he liked; though, of course, if the Government thought it most convenient to give the assistance in money, they would take security that it was properly spent. It was for the Government to decide whether they would give aid at all, and if they did give it they would decide whether they would give it in money or in kind. His own impression was that it would be better to give it in kind. It was drill sergeants in particular that were wanted; but in regard to the cost of ranges, the custody of arms, and such expenses, different corps were so differently situated that perhaps it would be simpler for the Government to say that such a sum per man would be a reasonable expenditure to allow. All these points were logically connected with the assistance already given to the Volunteer character of the force, and did not in any way affect the determination which had always been studiously kept in view to preserve the movement from anything like an eleemosynary character. The present Vote of £40,000, spread over a force of 148,000 men, amounted to about 5*s.* per man, and in addition there was about £4,000 a year for staff and inspectors at the Horse Guards; and if the additional assistance were granted which he asked for, the whole Vote would amount to about 20*s.* or 25*s.* per man. The question for the House to decide was whether the Volunteers were worth from 20*s.* to 25*s.* per man? There were some persons who thought that through the Volunteers they might bring about some reduction of the regular army; but that was not the feeling of the Volunteers. They wished that the regular army should be maintained at its full strength. The Volunteer force, after all, was only held together by a rope of sand—fourteen days' notice, and your regiment was gone, and the regular army, therefore, ought not to be diminished by a single man. In any remarks, therefore, which he made as to the comparative cost of the Volunteer and regular forces, he had no wish to argue for the diminution of the regular forces. Including in the calculation the four Votes of the Estimates, pay and allowances, clothing, provisions, and barracks, and the expenses of the Horse Guards and the War Office, the annual cost of a regular soldier was £55, and including other items it would come up to about £83 per man. The Volunteer, of course, could never be as efficient as the regular soldier, but he certainly could not be said to be dear at 25*s.* per head. It would ill-become him as a Volunteer to speak of the efficiency of the force; but he thought everybody must have been surprised by what he saw at the reviews in Hyde Park, at Edinburgh, and at Knowsley. Wherever they had appeared, in fact, they had conducted themselves in a most satisfactory manner. It was said that the opinion of the Continent was the opinion of history. Last year the military *attaché* of the French Embassy was present at an inspection of the City of London Rifle Brigade at the Horse Guards. That gentleman, looking at the inspection, said to a friend of his, "I came here expecting to see a National Guard, and I see soldiers." In a few words he would refer to the corps to which his hon. and learned Friend opposite belonged—the Inns of Court. Colonel M'Murdo assured him, after he had inspected them in Richmond Park, that it was the best regiment he had ever seen." "Perhaps," he added, "the 60th Rifles, when they went first to Scinde, under Lord Melville, were as active and efficient in skirmishing as the Inns of Court." It showed what intelligence could do, and it was a great comfort to know that if the Inns of Court were ever called into the field they were likely to be as formidable to their enemics as they were to their clients. Being a Volunteer, he would not dwell further on the efficiency of the force, but he would take this opportunity of saying a word in reference to the social and political bearings of the Volunteer movement. He did not believe that it was possible to exaggerate the social good which the movement had done. They lived in a country where the different classes of society had but few opportunities of mixing together and understanding and appreciating one another. They met at cricket, at the Derby, on the Serpentine in a hard winter, and in Scotland at curling on the ice. But in this country the opportunities of meeting were few, and it was a great social want—a want rendered greater on this account, that unfortunately they had in this country men who, by the studied perversion of history and fact, endeavoured to set class against class. He said the antidote to this was to be found in the Volunteer movement which brought men together and bound them together in a patriotic and holy brotherhood of arms. Of the physical good he would not speak, because healthful exercise and improved habits spoke for themselves. But he would say a word on the political bearings of the question. Let them look at the position in which England stood a few years ago, before the Volunteer movement was started. Their fleet was little, if at all, superior in numbers and appointments to that of France. He heard a gallant officer say that in case of invasion they could not put more than 13,000 infantry in line. They had an untrained population, and the result of a consciousness of weakness was to produce periodical panics. He would not attempt to say whether those panics were or were not justified by the aspect of things on the continent of Europe, but he would say that they were justified by a state of weakness which, to say the least, invited aggression. That was not the state for a great country like England to be in—England which, at the commencement of the century had defied invasion and had stemmed and rolled back the tide of French flood of conquest that had desolated and swept over the rest of Europe. The Russian war did not add to our military prestige, notwithstanding the sufferings and heroism of our gallant soldiers, because it was believed that we were defective in military organization. The feeling engendered by such a state of things, rendering the country liable to periodical panics, was intolerable to every man whose love of country rested on higher considerations than their own unrivalled power of producing cotton prints at the lowest figure, and the Volunteer movement was hailed as a deliverance from this state of things. Many persons now claimed to be the authors of the Volunteer movement, and their various pretensions had given rise to some controversy. He had heard a gentleman, in returning thanks for the press, say that he knew personally twenty-seven gentlemen who claimed to be the originators and authors of the movement. But he would name one person who, in his opinion, was the main cause of the improved position in which they now found themselves. His belief was that it was the Nestor of Parliament, the trumpet-tongue of Lyndhurst, that first roused the spirit of the country to a due sense of its position. He should never forget the words spoken by Lord Lyndhurst in "another place"—

> "I will not trust the liberties of this country, its honour and its interests, to any declaration or any promise of any friendly Power or any Power whatever. I will rely on my own power, on my own resources, on my own vigour, and on the strength of my own right arm."

Those words ought to be written over the doors of Parliament, as they were engraved on the heart of every Volunteer. But this was, in fact, not a new movement. The spirit of the Volunteers of 1803 survived, and only wanted to be kindled into a flame. The man who gave the necessary stimulus was Lord Lyndhurst. Before the revival England was in danger of losing her moral weight in the councils of Europe, through a disbelief in her physical power. What was her position now? The fleet was reconstructed; the army was perfected and organized; there was an efficient Yeomanry force, and a fine Militia. But, as a French writer recently expressed it, "Behind all this we have the British nation in arms." The position of England was much more honourable and creditable than it was, and if they wished to know what had been the effect of the change, he would say ask public opinion on the Continent, would that he could say, "Ask Cavour." But let them ask the Emperor Napoleon — let them ask the Prime Minister and the Foreign Secretary, whether the state of this country now did not enable them to speak and write as the Prime Minister and Foreign Secretary of England ought to speak and write, and whether they had not now that weight in the councils of Europe which a country such as this ought to have. They had had an incidental discussion to-night on the state of Italy. His conviction was that England, by her moral influence, backed by her physical strength and under the able guidance of his noble Friend the Foreign Secretary —and, though he saw sneers on the faces of some hon. Gentlemen opposite, he would repeat, under the able guidance of his noble Friend—the moral weight of England had done more to consolidate the liberties of Italy than the active intervention of France. If, then, they wished to consolidate those liberties; if they wished to retain the French Alliance, they must render England inviolate against attack. It must not be supposed, because he thus spoke of the Volunteer movement, which he believed to be the main cause of the improvement in the position of England, that it was encouraging an aggressive spirit on the part of the people. He believed the contrary to be the fact. He believed that with nations, as with individuals, when not conscious of strength or of the justice of their cause, they were touchy and quarrelsome, and that when strong they could afford to treat with contempt or pass unheeded that which otherwise they would feel bound to notice. In proof of this he might state that some months ago a distinguished diplomatist said to him, "The cause of peace is now greatly strengthened because we diplomatists feel ourselves strong enough, when necessary, to make concessions." He had endeavoured to state the views of the Volunteer force temperately, and he hoped without exaggeration. What reply he should receive from Her Majesty's Government he was unable to divine. He trusted that it would be favourable. He trusted that they would not make those who were working and slaving in the cause bear the whole burden, because they could not rely on the subscriptions of honorary members to the same extent being continued. He hoped the Government would be prepared, without departing from the line which they had chalked out for themselves, and from which they need not depart, to accede to their request. He hoped the Government would be prepared to support and maintain the great force which had thus been raised, and which it had been well said was laid at the feet of the Sovereign as the noblest present ever made to any ruler. He was confident that if by withholding timely assistance and pursuing a shortsighted economy they allowed the Volunteer force to be starved out of existence, a heavy responsibility would rest on the Government and on the House of Commons.

Viscount VALLETORT thanked the noble Lord for bringing the subject before the House, and expressed his concurrence in all he had said; for he fully agreed that the time had come when the Volunteer force had a right to demand some further assistance from the central Government. There was, however, no reason to complain of what the Government had already done for them, because the Government had pursued a wise and prudent course in leaving the Volunteer movement at its commencement to be supported by private zeal and liberality. With regard to the origin of the movement which had led to the great results which no one anticipated, he believed the question would never be satisfactorily settled. It was not the movement of any individual, but of the whole people, who had shown a growing desire that the nation should be secure and not exposed to periodical panics. If, indeed, there was any one who by his zeal, assiduity, and hard work in the cause, coupled with unobtrusiveness, had entitled himself to the gratitude of the public, it was the noble Lord who had brought the subject forward. Thanks to the indefatigable exertions of the noble Lord, and of others who had taken a lead in the matter, and to the liberality of the public who desired to escape from constantly recurring panics, the force was now established on, he hoped and believed, a permanent basis. He believed that upwards of £1,500,000 had been spent in establishing the movement, and that mainly by the Volunteers themselves. With regard to further aid from the Government, he reminded the House that it was one thing to get subscriptions for the support of a corps when a general interest was first excited in the movement, and quite another thing to secure a steady annual amount of subscriptions in the future. He confessed he was not one of those who thought that the War Office had exercised any undue control over the Volunteers, and, therefore, he did not join in the complaint against that Department. The movement had produced a great change in the sports and pastimes of the people. A few years ago scarcely any one who did not visit the deer forests of Scotland could use a rifle, but men were now to be found in almost every village who could handle it expertly. The growing popularity of rifle-shooting as a sport would tend greatly to give permanence to the Volunteer force. The bulk of the expense of the different corps of Volunteers had been borne by themselves, and it was only fair, when they paid for their own personal expenses, that they should not be mulcted on every occasion for travelling and other necessary purposes. All they asked was that the permanent expenses necessary for the efficiency of a corps should be paid by the Government, and in such a way that the Government should be no loser. Those expenses came under the heads of instruction, both in musketry and drill, care of arms, and means for rifle practice. But what the Volunteers required more than money was that they should continue to enjoy the cordial goodwill of their fellow-countrymen, which would be jeopardized if the country supposed that any money was granted to them for which they would not give a fair and full equivalent. He, therefore, trusted that whatever the Government did in this matter they would do it cautiously for the sake of the Volunteers themselves, as well as the public.

SIR HARRY VERNEY was very much in favour of the proposal of the noble Lord (Lord Elcho), which he believed Members generally would consider involved no excessive amount of assistance. The strength of this country had been immeasurably increased in the opinion of people on the Continent since the establishment of the Volunteer force, and he for one expected from it great things. He would trust the safety of the country far more to the Volunteer force than to any fortifications for which they were called upon to vote so much money. But they could not expect that force to be kept up in its present state of efficiency unlesss the Government gave them some further assistance and bore the expense of one non-commissioned officer to every two companies. He looked upon the movement as one of the best which had ever orginated in the country, and he thought they were much indebted to the noble Lord (Lord Elcho) for the energy, temper, and tact which he had shown in promoting it up to the present time.

MR. A. F. EGERTON said, the corps composed almost entirely of working men—one of which he had the honour to command, and the organization of which often involved considerable expenditure on the part of the officers commanding companies—had, in his opinion, a certain claim upon the State for such assistance as was necessary to render them efficient. The want of efficient instructors was much felt. In country places great difficulty was often experienced in obtaining drill sergeants, particularly such as were acquainted with the new drill, and much inconvenience arose in consequence in battalion drill. He thought this was a form in which assistance might very properly be given by the Government. War-office interference was a bugbear of which he was not afraid; indeed, his impression was, that if the War-office had committed a fault, it was in not interfering enough.

VISCOUNT ENFIELD said, the question was what was the best way of rendering the Volunteer movement a permanent institution; and he thought that this was not to be attained so much by any grant of money per head, as by contributions in kind — by providing those necessary details which were now defrayed at the expense of the corps: such as practice grounds and instruction. If Government made an annual grant of money to the Volunteers, the public might possibly demand additional surveillance, and require that additional powers should be granted, either to the Horse Guards or to the War-office, in order that they might see that the money was properly expended, but there was a mode in which the Government might give most valuable aid in kind—that was by granting, in proportion to the number of effectives who were present at the annual official inspection, a certain number of drill sergeants to each corps. These sergeants should be, not retired soldiers, but supernumeraries, borne on the effective strength of their regiments, as that would furnish a security for their good behaviour, and would create a new link between the Volunteers and the regular army. Many a corps that was competent to go through its company and battalion drill had never fired a shot at a target; and working men, who had subscribed for their uniforms and other incidental but necessary expenses, found it impossible to defray the cost of a rifle range. In this respect, especially in the neighbourhood of large towns, where difficulties existed in the way of procuring sufficient space for the purpose, the Government might render material assistance.

MAJOR BARTTELOT suggested that in many corps the officers would find it a very complicated duty to have funds entrusted to their hands for which they would be compelled to render an account to the War-office. If non-commissioned officers of the disembodied militia regiments could be allowed to serve as drill sergeants to the Volunteer force, he thought it would add much to the efficiency of a body which had become a permanent necessity in the country.

SIR JOHN OGILVY said, that at one of the largest and most influential meetings of Volunteers which had ever been held, it was determined to call the attention of the authorities to the fact that, while in England Volunteers had the advantage of access to the musketry establishment at Hythe, in Scotland they were debarred from that advantage on account of the distance. Lord Herbert, under whose attention this subject had several times been brought, had undertaken to give it his most serious consideration; and as he had some little hope that the boon which he sought might ultimately be granted, he ventured to urge it again on the attention of Her Majesty's Government. He hoped the request made by the noble Lord, the Member for Haddington, would be acceded to by the House, as it certainly would be endorsed by the country; and, on the part of the Volunteers, he begged to tender to the noble Lord his thanks for the able and satisfactory manner in which he had made known their wants.

MR. H. BERKELEY said, he took a very different view of this question from any which had yet been put forward. He divided the subject into two parts. In the Estimates he found a sum of £42,000 to be applied to the requirements of 150,000 Rifle Volunteers, and another of £90,000 for 14,000 Yeomanry Volunteers. He had listened with very great attention to the speech of his noble Friend (Lord Elcho) and concurred in every word of it. It was impossible to overrate the importance of the Volunteer movement, which had achieved safety for the country, had prevented the recurrence of monetary panics, and had given us a position among nations which previously we did not hold. How had these results been attained? By downright hard work; by continual attention to drill; by attendance, night after night, for weeks and months, on the part of men who attended to their shops all day, and gave up their time for recreation in order that they might learn the business of soldiers. Military officers in that House would confirm his statement that these results could only be secured by continued application, and that to think that men, by dint of wearing fine uniforms and congregating for a short time, were to become Heaven-inspired soldiers, was a perfect farce. If, instead of £42,000, a demand had been made for £100,000 on behalf of Rifle Volunteers who worked thus arduously, he would willingly have given it. That was one picture: now he turned to the other, upon which he would not willingly cast his eyes, did not duty compel him to do so. This sum of £90,000 was to be disposed of for the amusement of some eighteen colonels who were noblemen, including three Dukes, and thirteen colonels who were squires, including four Baronets. One of the most respected of those colonels sat opposite—the great Field Marshal of the Yeomanry of the West. For that hon. Baronet (Sir William Miles) he had the most sincere respect, and he had not the slightest intention of saying anything personally offensive to him or the gallant men whom he commanded. But if he found that they had gone backwards instead of forwards, that they did not attend to their drill, his duty bound him to tell the truth. To suppose that by riding forth once a-year with a band of music at their head, or that thirty-two hours' drill would make them fit to stand shoulder to shoulder with the regular cavalry, would be an egregious mistake. If it were supposed the Yeomanry could do the duty of regular troops it was a gross error. If it were thought they might be useful as a constabulary force it was a gross delusion. The Yeomanry could not be depended on to quell a local disturbance of a serious character, for it would take twelve hours to collect them in any county. The Volunteer Riflemen would be a much better force to stand by the constabulary in case of need, and, being on the spot, could be summoned in an hour. He had seen a mob of 10,000 run away from the shaking of the tails of a troop of Life Guards' horses. Could hon. Gentlemen show him that the Yeomanry were a successful body in that way? Wherever they had met with anything like opposition they had invariably behaved ill. Why, a whole regiment of them had laid down their arms to an unarmed mob, and a body of Yeomanry had run away, major and all, from a mob armed with stones and a couple of fowling pieces for which they had no ball cartridge. If such was the conduct of the Yeomanry in the face of an unarmed mob, were they of any use in repelling an invasion? In 1798, when 900 Frenchmen found their way from Rochelle to Killala Bay in Ireland a little too late, for the battle of Vinegar Hill had put down the Irish rebellion, a regiment of Yeomanry, to their great horror, found themselves face to face with some of those Frenchmen. How did they act? They turned their horses' heads to where their tails ought to be, and got them into a frantic gallop, which ended in some of themselves being thrown into a ravine and destroyed. No one doubted the courage of Irishmen. It was the want of discipline that led to such conduct; for, when the Limerick Militia came suddenly on the vanguard of these same Frenchmen, the colonel took off his hat and exclaimed, "Here they are, my boys!" and the militiamen went at them with the bayonet and gave them such a handling that they never made head afterwards. At Ballina the Yeomanry were tried again; but they turned their rear front to the French and ran away incontinently. He hoped that so many fine men and horses as the Yeomanry now had would not be thrown away, but that they would consent to dissolve themselves into that more efficient force the Volunteers. The Volunteers had shown that with a little more study they would be prepared to take their places by the side of the Line. The illustrious Duke at the head of the army, whose courage had been tried, and whose professional knowledge no one could doubt, had spoken in high terms of what the Volunteers promised to become, and in eloquent terms enforced on them the necessity of discipline. Let the country refuse to pay for what was worthless. If the Yeomanry did not make themselves good soldiers, they had no right to ask the House to put its hands into the pockets of the people to pay them. Their own officers corroborated what he had said as the non-efficiency of the drill in the evidence given before a Commission which sat at the War Office, evidence from which the hon. Member quoted to prove the impossibility of getting the Yeomanry to attend squad drills. The horses which many of them rode were battered old hacks, hired for the purpose, or borrowed from their friends. He knew cases where omnibuses had been stopped in order that Yeomanry might go forth to glory on their horses. He had heard of a trumpeter who used to drill on a fine black horse which was the pride of the troop. Being one day late the captain of the troop was angry and remonstrated with him; when, with great simplicity, he replied, "Why, sir, I was waiting till the hearse came home." It had been stated in evidence by the Earl of Dudley that this Yeomanry force could be only induced to attend drill by being invited to dinner, and they required a vast deal of that sort of persuasion to do any drill work at all, his Lordship was Colonel of the Worcestershire Yeomanry and gave his testimony of that corps in particular. This was the old way of recruiting doctors' mates for the navy—put down a burgoo tub on the pier at Aberdeen and they came of themselves. So the Yeomanry would not come unless they were fed like animals. Why should the Yeomanry be in a better position than the Volunteer force? It was better for the Yeomanry to dismount from their horses, shoulder their rifles, and let the cavalry business be done by those who really understood it. When he found that such men as the Duke of Newcastle, the Duke of Beaufort, the Duke of Buckingham, and eighteen other noblemen, colonels in the Yeomanry, went knocking at the War Office door for £10 a-piece, which he supposed they wanted to pay their expenses with. He thought it was a bad thing to go forth to the country that these wealthy noblemen possessed so little patriotic spirit as to receive these sums, while the Volunteers laid so heavy a tax on themselves. He should propose that the Vote for the Yeomanry force be reduced by £30,000.

Motion made, and Question proposed,

"That a sum, not exceeding £73,276, be granted to Her Majesty, to defray the Charge of Volunteer Corps in Great Britain, which will come in course of payment during the year ending on the 31st day of March, 1862, inclusive."

Sir WILLIAM MILES said, he hoped the Government would take into their consideration the proposal of his noble Friend the Member for Haddingtonshire (Lord Elcho). The noble Earl asked for little enough; and he felt certain that when the novelty of the Volunteer movement was worn away, that Volunteer Rifle force, which was at present so efficient and so constantly increasing, would dwindle down both in numbers and in discipline unless some support was given to them either in kind or in money. The Volunteers did not seem to have determined in what form they ought to accept assistance from the State, but he would recommend them to try to keep at their own disposal any money that might be granted to them, for they might depend upon it that they would find their drill-serjeants would be much more efficient if they had themselves the power of paying and of dismissing those men. He should be glad to see our 150,000 Rifle Volunteers increase to 200,000; and he saw no reason why the Government should not make them an allowance at the rate of £1 for each man. He believed that a sum of £200,000 in our public Estimates would be a small sum to pay for the services of so many hearts and hands prepared to defend the country in any emergency. It was for the Government to choose between the Rifle Volunteers and the Yeomanry, and if they thought they could get an efficient corps of Mounted Rifle Volunteers as of Yeomanry, he would say at once accept the services of the former. The hon. Member for Bristol (Mr. H. Berkeley) had spoken in depreciation and ridicule of the Yeomanry. The regiment that he (Sir William Miles) had the honour of commanding had twice saved the town of Frome—once from burning. He was sorry to say that there was a considerable effusion of blood, but still the Yeomanry preserved the town. That, at least, was one occasion on which the Yeomanry had acted well, and he was certain that other corps would act well, also, if occasion arose. The hon. Gentleman must know very well that the force was more efficient than he chose to admit. They had permanent serjeants in his corps, almost all of whom were old soldiers or pensioners; they resided in the neighbourhood of the troops; and the result was that the troops could have squad drill several times between the fixed periods of permanent duty, so that they were sufficiently drilled when they came together to do their regimental duty. If his hon. Friend the Member for Bristol had any doubt upon the matter why did he not ask the inspecting officer his opinion? Surely the Government would be informed by that officer of their shortcomings, and they would be mentioned in the report. The question was whether the Yeomanry force was an efficient one for the purpose for which it was intended? They were not intended to act with the regular army, but he should like to know where the hon. Member would find a better qualified body of men to perform such duties as that of escorts, outposts, and other duties auxiliary to an army in case of an invasion than the Yeomanry, who knew every bye-lane and hedge in the country. That was the duty for which they were designed, and having commanded a Yeomanry force for many years he could vouch for their efficiency. He should very much like to see the Rifle Volunteers, the Pensioners, and the Yeomanry force brigaded together occasionally, as in case of invasion they would be the forces called upon to act together. The Militia was the proper force to act in concert with the regulars, but the Rifles, the Yeomanry, and the Pensioners should be subsidiary. He recollected waiting some years ago upon the noble Lord now at the head of the Government, when he was Home Secretary, on this subject; when the noble Lord admitted that it would be an admirable thing for the force if the permanent duty were prolonged; and he quite agreed with the noble Lord in this. All the common movements were learnt in squad and troop drill, which were entirely voluntary—not a single farthing was allowed for them. But when they were called out for duty, when they were absent seven or eight days, and were thirty or forty miles away from their homes, he put it to the Committee whether 7*s.* a day was a higher rate of pay for horse and man than they were entitled to. As to the officers' pay, did anybody for a moment think that noblemen like the Duke of Beaufort would care for the paltry £10 or £12? Did the officers decline when the question was put to them whether they would accept the 7*s.* a day as well as the men? The contrary was the case. Was it likely the colonels cared for the £10 or £12, when they often laid out in regimental expenses as much as £20, £60, and even £150? He thought, therefore, that the hon. Member for Bristol had thrown out a taunt against the colonels of the Yeomanry regiments which they little deserved. Either the Yeomanry force ought to be a paid force, and should be properly paid as such, or it ought to be a purely Volunteer force. They ought to come to some distinct understanding on the matter. The recommendation of the Yeomanry Committee at the War Office was that the allowance for clothing and the contingent allowance should be reduced by 30*s.* He wished to know whether at the same time the Government were going to pay for the clothing? or whether, as now, the colonels were to pay and receive the amount from the Government? It would be easily understood that in a Yeomanry regiment, where the clothing and accoutrements were for a considerable period in the entire charge of the men, and could only be looked after by the staff when the force was out, the repairs would be considerably greater than in a regular regiment; and, as was stated by the officers examined, it was only by putting their clothing and contingent allowances together that they hitherto had been able not only to maintain their clothing in good repair, but to leave a handsome sum in hand when it was necessary to clothe anew. During the sixteen years he had commanded his regiment he had paid to the tailors, accoutrement makers, and saddlers, £8,078, and for repairs, £3,174, making in all £11,252. In the same time he had received for the Government allowance for clothing, £9,990. Therefore, in order to keep the regiment in good order, he had submitted to a loss of £1,260, or about £76 a year. The sum was not much, and it might be said that he had the honour of commanding the regiment. It was not for himself that he spoke, but for those good men and true who were inspired with military ardour and a love for the service, but who had not sufficient money to stand the expense. He should understand if Yeomanry were mounted Volunteers, but they were a corps existing from 1809, and they had always been paid the sum the Government now paid. The question arose, could they not take something less. He had been considering what they could take off without affecting the service. A question was put to the effect what would he say to reducing the contingency to £1. He doubted the ability of the colonels to do it; but on full consideration he found he could pay all the men, and even the sergeants, to be raised from £30 to £36 10*s.*, and he would merely leave to the Government the payment of £36 10*s.* for the adjutant. That would make a considerable alteration in the estimate, because he found that if 10*s.* was taken away from the Vote on each man there would be a saving of £7,250 on the whole Vote; to which must be added £3,500, making £10,500. But they must take from that the additional adjutant's pay. They would, therefore, deduct £912, which would leave merely £10,000 saving. It was his desire to meet the wishes of the Government; but if the pay of the Yeomanry for contingent and clothing was reduced 30*s.* he knew it could not be done for this money, and it would be better to disband the force at once and trust to the Rifle Volunteers.

MR. BUXTON acknowledged that the Volunteers had expended an enormous amount of pains and patience as well as money, and that the movement had added greatly to the reputation of the country. There was no military man who would not allow that, in case of invasion, ten Volunteers would be equal to at least one trained soldier. He was a Volunteer himself, and, therefore, made a modest estimate of their efficiency. In that case 150,000 Volunteers would be equivalent to 15,000 regular troops, and the cost of that number of regular troops would be upwards of £1,000,000. In that point of view the Volunteers had some claim on the liberality of the Government. He did not, however, complain of any want of liberality on the part of the Government, because he thought the Government had always acted towards the Volunteers with great tact and judgment. But if the Government did make up their minds to give additional aid, he hoped it would be in kind and not in money. He was persuaded that if they received money they would lose their prestige in Europe. The thanks of the country were due to the noble Lord (Lord Elcho), who by his speech to-night had crowned his energetic services to the Volunteers.

MAJOR EDWARDS said, that he was extremely gratified by the eloquent speech of Lord Elcho who had brought forward this subject, and he was sure that every hon. Member would be equally gratified with himself, and would acknowlede that they were under deep obligations to the noble Lord for the interest he took both in the Yeomanry corps and the Volunteer corps, and he (Major Edwards) hoped that the latter would increase until it was equal to the old Volunteer corps which was raised at the time of the threatened invasion by the French, in 1803, when their numbers amounted to 400,000 men. The present force did immense credit to the noble Lord, and other noble Lords (Lord Ranelagh for instance) and hon. Gentlemen who took as deep an interest in it as himself, and he was sure that the country was proud of the magnificent body of men which was now attached as a contingent to our regular army. Having said thus much of the speech of the noble Lord (Lord Elcho), he wished he could say as much of that of the hon. Member for Bristol (Mr. H. Berkeley), who seemed to labour under one or two remarkable delusions. The hon. Member for Bristol made two great speeches in the Session usually, one in favour of the Ballot, the other against the Yeomanry Cavalry, and on both of those subjects he seemed to entertain the grossest delusions. There were one or two remarks which the hon. Member for Bristol had made which were capable of easy refutation. Three or four years ago the hon. Member, in a more humourous speech than he had made that night, took the liberty of calling the Yeomanry Cavalry—or rather of comparing them with—"hogs in armour"—but that joke fell as flatly on the House as the jokes which the hon. Member had perpetrated that evening as to the efficiency of the Yeomanry Cavalry. Now, he (Major Edwards) could place in opposition to that hon. Gentleman's opinion that of a distinguished and gallant officer, late a Member of the House—namely, Major General Sir James Chatterton. He remembered that gallant officer stating that he had inspected more than sixty regiments of Yeomanry, and he could not wish to see, under the circumstances, a more efficient body of men as a contingent to the army. He thought such an authority as that of General Chatterton would perhaps have a little more weight than the authority of any civilian, and even than that of the hon. Member for Bristol. With regard to the number of days during which the Yeomanry cavalry were permitted to assemble, he thought that the hon. Member had got into a little confusion even on that question. It was quite true that they were miserably paid, thanks to the parsimony of the hon. Member and those who entertained similar opinions; but he could tell the hon. Member that the regiment to which he had the honour to belong not only assembled eight days in the year, but had troop and squad drill perhaps as many as fifty, or at all events forty times during the year. It was to be remembered that the Yeomanry Cavalry were not paid for those days upon which they assembled for drill, but that that was an entirely voluntary act upon their part, in order to make themselves as efficient as possible. In point of fact they cared very little comparatively about their pay for permanent duty. He thought no one could deny that they well deserved their pay; and he was sorry to see Members of that House doing everything they possibly could to rob them of it. In reality it was by no means an efficient pay, but a mere acknowledgment of the services they rendered to their country. He would remind the House that the Yeomanry Cavalry were in a position altogether different from that of the rifle corps. They had to provide their horses; they were under the immediate control of the War Office: and they were bound; at any time they were called upon, to render any services demanded of them by the Commander-in-Chief. How efficiently they had performed that duty in agricultural districts, or in country towns, the hon. Member below him (Sir William Miles) had explained by citing an instance which he thought the House would agree with him ought to be sufficient to convince any hon. Member. However, if that were not sufficient, he (Major Edwards) could cite another case of more importance. Did not, he asked, the Yeomanry Cavalry save Manchester, and had they not the thanks of the country for the service they rendered? He hoped that the remarks and the ridicule which the hon. Member for Bristol had lavished on this force would fall as flatly upon the country as it had fallen upon the House. He had read most diligently the report of the Committee which had been sitting at the order of the Secretary of State for War, for the purpose, as he believed, of cutting down the expenses of the Yeomanry Cavalry which was the oldest constitutional force of the country, and had been established throughout England during the last two centuries. It was at the command of the Secretary for War that the Committee had sat; but he had failed to find out in the evidence adduced before it any reason why the allowance for clothing or contingencies ought to be cut down in the slightest degree. On the contrary, any one who carefully looked over the evidence would, he thought, be of opinion that the present rates could not afford to be diminished with due regard to the maintenance of the efficiency of Yeomanry Cavalry. In regard to the officers' pay and the recommendation for its reduction, what, he asked, did it amount to? When they were dealing with money questions in that House they thought very little of £1,000 or even £100,000; and what was the sum which they expected to gain by this proposed reduction? They would simply save £3,500 by placing the officers of the Yeomanry Cavalry on a par with the privates. Were they to understand by this proposition that it was considered that the officers were at no greater expense than the privates? He could tell them that there was hardly a Yeomanry officer in Her Majesty's service who ever saw a shilling of his pay; and not only was he mulcted of all his pay, but every officer commanding a regiment, was called upon annually to make up an enormous deficiency for unavoidable expenses, and, in fact, every Yeomanry Cavalry officer of whatever grade he might be, going on permanent duty, was put to a very serious expense. Those gallant officers, however, did not grumble. They considered it necessary that they should perform their duty, and they performed it to the best of their ability. Something had been said as to placing the Yeomanry Cavalry on a par with Rifle Volunteers, but the House would remember that they were placed in very different circumstances. They had their horses to provide for, whereas the Rifleman had none; nor was he liable to be called out for duty at any moment as the Yeomanry Cavalry were; and that great difference would always exist, and continue to be a difficulty with which they would have to deal. They had heard a good deal about the practicability of raising Volunteer Cavalry rifle regiments. Why, that had been tried and had utterly failed. In his opinion if any such system were attempted to be adopted, instead of having a magnificent force numbering 14,000 mounted men, as they had at present in the Yeomanry Cavalry, they would fail, he might add they had already failed, to raise a force of 500 men as Yeomanry Volunteers. He thought it was absurd—the experiment having been tried and having failed—to have it brought forward as a suggestion in that House. For his part he trusted that it would never be tried again. Whether they looked at the prospect of affairs in the manufacturing districts and considered the probability of large masses of operatives being thrown out of employment, or whether they had regard to the threatening aspect of affairs on the Continent, he thought in either case the House would agree with him that this was of all others the most unfit time to endeavour to retrench so old, so constitutional, and so respectable a force as that of the Yeomanry Cavalry.

SIR WILLIAM RUSSELL said, he rose to bear testimony, as a military officer, to the extreme efficiency of the Volunteers, and would urge upon the Government to give the Volunteer force that assistance which they had a right to expect. But he thought that assistance should only be given in kind. There were four things which he thought necessary for placing the Volunteer force of the country in a state of efficiency — first, the supplying them with good and efficient arms; secondly, the furnishing them with a good and plentiful supply of ammunition for practising; thirdly, the supplying them with good practice ranges; and fourthly, the placing at their disposal good drill instructors, who should be supplied from the regular regiments of the Line. With regard to the Yeomanry, he assured the hon. and gallant Member who had last spoken (Major Edwards) that the object of the Committee appointed by the War Office was to inquire how the position of the Yeomanry Cavalry might be improved. His own belief was that they constituted a very efficient force considering the small amount of money spent on them. The Committee recommended that the annual allowance for clothing should be £1 8*s.* per man and 2*s.* per man for contingencies, making a total of £1 10*s.* per man per annum, as they had gone carefully through the cost of the various articles, and as they had recommended that the Staff of sergeants and one trumpeter should be paid directly by the Government and taken off the contingent fund out of which it was at present paid. The Committee also recommended that the adjutant's pay should be increased.

MR. DEEDES said, the Committee that sat upon the Yeomanry had to consider the smallest amount of expense at which that force could be kept in a state of efficiency. They recommended a reduction under the head of contingencies, in consideration that the Government would allow and pay a drill sergeant for each troop. The hon. Gentleman who had brought forward this proposition (Mr. H. Berkeley) complained of the inefficiency of the Yeomanry when they went out for duty; but the hon. Member now proposed to take away the chief means they had for increasing their efficiency. He should like to have the hon. Gentleman down at Dover with him for drill for eight days, and he had no doubt he should be able to work a great change in the hon. Gentleman. The reason why the Yeomanry were paid when upon permanent duty was, that they were then taken away from their homes, and incurred considerable expense on account both of themselves and their horses. The sum allowed was only 7*s.* per man; but he could state that it cost the members of his own regiment, when assembled for training, 12*s.*, 13*s.* 6*d.*, or 14*s.* per man per day. For the voluntary drills, which also impose some expense upon the members of Yeomanry corps, no allowance was made. He was sorry that this question had been mixed up with the discussion of that which had been so well introduced by his noble Friend (Lord Elcho) in all of whose recommendations he concurred. He could not agree with his hon. Friend (Sir William Miles) that the Government had to choose between the Yeomanry and the Volunteers. The duties of the two forces were perfectly distinct, and need not at all clash with each other. He acknowledged the advantage which Volunteer corps had derived from the appointment of adjutants to administrative battalions by the Government; but he thought that the attaching a sergeant to each company, or to two companies, as might be convenient, would be of infinitely greater service. He thought assistance should be given not in money but in kind. He trusted the Yeomanry force would have the confidence of the country, that it would be found increasing, and he for one should be prepared to vote an increased sum, if necessary, to keep it in a state of efficiency.

Mr. TURNER said, there was an observation made by the hon. and gallant Member for Beverley (Major Edwards) which he could not allow to pass without some remark. The hon. and gallant Gentleman stated as one of the distinguishing services of the Yeomanry that, in 1819, Manchester was saved by the Yeomanry of Cheshire. It was very true that the Yeomanry of Cheshire attacked a peaceful assembly of persons who had met together to declare their want of bread and of representation. The people complained of want of representation, and that want had been supplied, in part at least, by the Bill of the noble Lord the Member for the City of London; and they were crying for bread, and that want was supplied by the policy of the late Sir Robert Peel, and the repeal of the corn laws but the charge of the Cheshire Yeomanry had created a feeling of ill-will which was not yet allayed. The people of Manchester did not look on Rifle corps with ill-will, though there were now regiments both of Foot and Mounted Rifles. They regarded them with feelings of cordiality and good-will, knowing that they had no disposition to suppress the feelings of their countrymen, even though these might be clamorously expressed, but were united with the sole purpose of defending the country against a foreign foe.

Mr. CAYLEY admitted that the reference of the hon. Member for Beverley (Major Edwards) had been a little unfortunate, but wished to say that the discontent referred to by the hon. Member for Manchester (Mr. Turner) was caused, not by the price of food, which at the time did not exceed 42*s.* a-quarter, but was consequent on the want of employment occasioned by the Bill of 1819. The hon. Member had made an invidious reference to the cost of the Yeomanry, and to their not paying their own expenses. He should have remembered, however, that the Manchester Mounted Rifles were on the spot, and consequently required no payment; but the Yeomanry had in some cases to be moved thirty or forty miles to their duty. Moreover, as there were but 500 Mounted Rifles in the whole of England, it would be poor policy on that ground to deprive the country of the services of 14,000 or 15,000 Yeomanry. The sneer of the hon. Member for Manchester and the jokes of the hon. Member for Bristol would be estimated, no doubt, at their proper value by the noble Lord at the head of the Government, who, he trusted, would give due weight to the speech of the noble Lord the Member for Haddington, so admirable and comprehensive in all its parts. He did not think undue assistance was asked on behalf of a force which had enabled the noble Lord the Foreign Secretary—to whose policy he gave his entire approbation—to maintain language more emphatic that British Ministers could previously have held. The Committee should bear in mind that Volunteering, which was a relaxation in towns, was, in fact, an addition to the labour of persons in the country; and it required all the influence of country gentlemen to insure its being introduced with anything like success.

SIR JOSEPH PAXTON said, that he, like so many other hon. Members, felt great satisfaction at the able speech of the Member for Haddingtonshire, and fully concurred in the opinion he had stated, that without some further assistance the Volunteer force could not be maintained in its present state of efficiency. In the country districts in particular, where there was great difficulty in forming full companies, he thought there must be a great defection from the ranks unless they were supplied with the means of learning their duties with less expense. He thought that some erroneous views were held with regard to the sum of money which was claimed for providing for the proper custody of their arms. It was not intended that the money was to be paid to each Volunteer; and, even if it was, did any one suppose that Volunteers would be less independent because the Government povided them with armouries, practice ranges, and more efficient means of studying drill? The noble Lord (Lord Elcho) had seemed to lay the chief stress upon the formation of Volunteer corps in towns. On this point he (Sir Joseph Paxton) was at issue with him, believing that if the entire force was to be efficient, and was to possess a national character, it must be largely made up from the rural districts. He had made some calculation as to the sacrifices which those who joined the corps were required to make, and he had brought out the following results. The Government required that a man should undergo every year twenty-four days drill before he could be considered efficient; and starting on that date a man with an income of £150 a year would pay £11 10*s.* 6*d.*; a man with £100 a year, £7 13*s.*; and man with £75, £6; £50, £3 14*s.*; and £36, £2 16*s.* In the country districts they would find very few with an income of £150, and it was quite out of the question that without the assistance of Government the corps could be maintained in those places. He supported the movement on national grounds, but he also supported it because he believed that it would ultimately tend to economy in their Army Estimates.

SIR JOHN PAKINGTON: I suppose it was inevitable that in the discussion on this Vote the question of the old Yeomanry Cavalry and that of the new Volunteers should have been mixed up; but taking those two subjects together has caused great inconvenience. With regard to the Volunteers, I think that as the matter had to be brought under the notice of the Committee, it could not have been brought before us more appropriately than by my noble Friend the Member for Haddingtonshire, who has been so conspicuous for the zeal, energy, and ability which he has shown in connection with this new force. No man can deny that this Volunteer movement has been a most magnificent, national movement, and that it has been carried on with a spirit of patriotism which is most honourable to the country; and I believe that if occasion should require it—if an emergency should arise—we should see that force amount to double or treble the number who now surround their standards. If it be in the power of the Government to encourage this movement and give it permanency by conceding such a proposal as my noble Friend has suggested, I think they would act well in doing so. With respect to the other subject of this discussion, it is not my intention to follow the hon. Member for Bristol in that annual exhibition—his field-day he might call it—by which he seeks to amuse himself and the House on this topic. I must leave his views to be dealt with by Her Majesty's Government, for if those views go to anything at all, they go to doing away with the old Yeomanry force. I wish, however, to say a few words on the Report of the Committee; and I think I may speak more freely on it than any other Yeomanry officer who has addressed the Committee, for I have not the honour to command the regiment with which I am connected. I have heard the views of many officers in respect to this Report, and I believe I am justified in saying that the gentlemen connected with Yeomanry regiments regard it with unanimous disapprobation. I believe that the Committee were actuated by good intentions, but that they made a great mistake. I look upon the recommendations as of a most paltry and unworthy character; and I earnestly hope that the Government will not adopt them. I could very well understand the Government saying that the new Volunteer force would supersede the Yeomanry—I could understand their saying that whatever the Yeomanry might have been in past times they were no longer required. If that be the view of Government let them say so plainly, and let them part on honourable terms with a force which has existed for so many years and done good service. On the other hand, if they intend to maintain the Yeomanry, let me entreat of them not to take a course which, as a pecuniary saving, it is not worth their while to adopt, but which cannot be received otherwise than as an offence by those whom it will affect. I regret the Report of the Committee, and I hope it will not be acted upon by the Government.

MR. T. G. BARING said, the House and the country could not but regard it as a novel thing that there should have been three or four hours' discussion of a question with hardly any difference of opinion. No man was better entitled than his noble Friend the Member for Haddingtonshire to bring this subject before the House, and he had done so with a correct appreciation of the interests of the force which he so worthily represented, with an eloquence which he could not attempt to imitate, while the moderation with which he had stated his views entitled him to the thanks of the Committee. The Committee were aware that Her Majesty's Government had shown their sense of the value of the Volunteer force on every occasion on which they had had on opportunity of doing so, and he was glad to say that, in the whole course of this discussion, not one word had been uttered savouring of jealousy between the Volunteers and the regular military force of the country. He could fully corroborate what had been said by his noble Friend with reference to the desire of His Royal Highness the Commander-Chief to render every assistance which personally he could give to the Volunteer force, and it was well known to the Committee that His Royal Highness had, on every occasion on which an opportunity occurred, exerted himself to improve and extend their efficiency. The position in which he (Mr. Baring) stood that night was a new one—he had rather to defend the smallness of the Vote than its largeness. But the sum of £42,000 in the Vote was very far from being the actual cost of the Volunteer force—it only went to pay the adjutants. There was for the pay of the staff for the inspection of Volunteers and other establishment expenses a sum of £9,000. There was a sum of £2,000 for Volunteer batteries; there was in addition to these sums an expense for ammunition of £64,000: so that in the Estimates of this year there was an actual charge of £117,000 on account of the Volunteer force. In addition to that there were a large number of rifles in the hands of the Volunteers—and in the opinion of the Government there was no place where the reserve of rifles could be better placed, though certainly they would not last so long as if they had been kept in the Tower store. About one-twelfth of their cost was calculated for the tear and wear of the arms this amounted to £43,000 so that the actual expense of the Volunteer force could not be put at less than £160,000 for the current year. There would next year be about £20,000 more, for there were many new corps entitled to adjutants who had not yet received them. The Government did not think the sum proposed for the Volunteer corps too much. On the contrary, they thought that a still larger expenditure might, if necessary, with propriety be devoted towards the maintenance of a force so valuable. The Committee would see, however, that the amount of £1 a head, which the noble Lord proposed to give to each Volunteer, had already been more than equalled by the proposal of the Government; but the real question was how far the present amount of payment was sufficient to maintain the force. The only part of the speech of his noble Friend which he disagreed with was that in which he rather shadowed forth than distinctly proposed that a money allowance should be given to the Volunteers. He did not understand his noble Friend to stand by that proposition. He agreed with those hon. Members who had stated that there were strong reasons why assistance given in kind should be of more advantage to the force than money allowances. His noble Friend argued that, as assistance was already given to the Volunteers, they should not, by increasing that assistance, change the nature of the force. That was true; but, if they were to give a money allowance instead of giving assistance only in kind, that would be such a change as might have an injurious effect on the feelings of independence of the Volunteers, while it might also lead foreign nations to the inference that the force was not, after all, the offspring of patriotism, but was called forth by the payment of money. Therefore the Government were of opinion that it would not be desirable to hold out any expectation of money allowances being given in aid of their expenses. He thought his noble Friend had stated most correctly the objects for which the country might properly incur expense. With respect to ranges, however, there was a strong objection to Government interference. He was certain that if the Government had agreed to provide ranges for the force they would have had to pay ten times the price that was now paid for them. But the instruction of the corps in drill was by far the most important matter, and should, he submitted, be the first object of Government. The Government had had this subject under their consideration, and he hoped that something further would be done in the course of this year towards the promotion of that end, either by the course which had been suggested that evening of employing non-commissioned officers for that purpose—not detaching them from their regiments, but allowing them to be sent back or by some other mode that might be devised. If the course to which he had just referred could be carried out, it would be done at little cost to the country, and greatly to the advantage of the Rifle corps. He would now say, with regard to the permanence of the Volunteer movement, that he saw no symptoms of a falling off. His noble Friend computed the number at 147,000; and while this was a great increase upon the number of last year, hardly a day passed without some applications at the War Office for the recognition of new corps. The Volunteer movement was based mainly, on the patriotism of the people; but he believed that the rifle shooting was one of the surest elements of its permanence; and the noble Lord the Member for Haddingtonshire had done the greatest possible benefit to the movement by the part he had taken in the formation of the National Rifle Association, and in the organization of the summer shooting matches at Wimbledon. There were great differences between the numerous corps throughout the country, as to their financial condition. Some were badly organized at first, no subscriptions for members being required, and in others the members did not pay their subscriptions regularly. A few of such corps might not be able to maintain their position; but looking broadly at the whole force, and believing that £2 a head—£1 for clothing, and £1 for other expenses—was amply sufficient to keep up a corps, he did not apprehend that many corps would fail for want of the requisite support; indeed, he gathered, from a Return which had been communicated to him by the noble Lord the Member for Haddingtonshire, that the average necessary expenses of a Volunteer were about 15*s*. over the whole country. In Middlesex the average subscription was about £1, and in many other counties it was quite sufficient, added to the subscriptions of the honorary members, fees upon commissions, and other receipts, to defray the charge of the corps. He had no fear, therefore, that the movement would not be permanent. In answer to the remark of the hon. Member for Dundee (Sir John Ogilvy) he would say the Government were not prepared at present to establish a school for musketry instruction in Scotland; but one was about to be opened at Fleetwood, which would be a more convenient locality for Scotch Volunteers than Hythe. He would now address himself to the Amendment of the hon. Member for Bristol—although he thought he might very well leave him in the hands of the hon. Member for Somersetshire (Sir William Miles), who had pretty clearly shown that his hon. Friend was less acquainted with the details of the Yeomanry force than with those of Parliamentary corruption. He (Mr. Baring) thought it obvious that if the Yeomanry were not occasionally to be called out for permanent duty they had better be given up altogether, and the Motion of the hon. Gentleman would take away the money required to pay the expense of the permanent duty. He could not, therefore, agree with the Amendment. But neither could he agree with those Gentlemen who complained of the Report of the Committee that had lately recommended a reduction in the expenditure for the Yeomanry. Some hon. Gentlemen said that the reduction was too trifling to be worth the making; but he could not agree that a saving of £13,000 a year was a trifling affair. The only question was whether this reduction could be made without detriment to their efficiency? But he could not believe that Lord Eversley, Lord Aylesbury, and his hon. Friend the Member for Kent (Mr. Deedes), who commanded Yeomanry corps second to none in the kingdom for efficiency, could have recommended any reductions that would injure the efficiency of the force. The hon. Baronet the Member for Somersetshire (Sir William Miles), who commanded a corps that was a model for its numbers and spirit, admitted that the contingent expenses might be reduced from 30*s*. to £1 per man without detriment. This would give for his regiment £400 per annum. From that he would reduce

£77 as expended on objects that might he thought be spared; and, if that were done, the hon. Baronet's proposal would give the regiment which he commanded £323, while the Report of the Committee proposed to allow £328. So that he hoped the hon. Baronet would be able to keep up the efficiency of his regiment upon the reduced allowance without any difficulty. It was proposed that the officers should receive only the pay of privates. For his own part, as a Yeomanry officer, he should have preferred receiving no pay at all; but the reason why the Committee had made that recommendation was that if the officers had been asked to give their services for nothing, many of the men would have followed their example, and as others could not have afforded to do so, the result would have been the introduction of a class feeling which could not have failed to prove most detrimental to the interests of the force. The Government regarded the Yeomanry as a body of Volunteer Cavalry, which might be of essential service in time of emergency. It was far from their wish or intention to diminish the efficiency of the force; but they had no fear that such would be the result of the reductions recommended by the Committee. He trusted, therefore, that while the Committee sympathized with the noble Lord the Member for Haddingtonshire in the statement which he had made with respect to the increased efficiency of the Volunteer force, they would not at the same time take a course which would tend to create a rivalry—which he should be sorry to see exist—between that force and the Yeomanry, by making a deduction from the allowances given to the latter.

Mr. W. WILLIAMS said, he had generally been opposed to the Government in his desire to reduce the Estimates, but in this case he must urge on the Government to agree to the proposition of the noble Lord the Member for Haddingtonshire. He fully concurred in the eulogiums that had been passed on the Volunteer movement. That force, it appeared, consisted of 150,000, while the regular army only amounted to 146,000. Yet upon this latter force we spent £15,000,000; though it was stated by Colonel M'Murdo that there were many of the regiments of Volunteers that were fully equal to the troops of the Line. He hoped, therefore, the Government would not hesitate to agree to the proposition of the noble Lord; and if they had any difficulty in procuring the money he would suggest that they should deduct it from the sum spent on the army.

Major EDWARDS wished to say one word with respect to the proposed reduction of the money voted to the Yeomanry. There was a meeting of sixteen field officers held on the subject the other day, and they were all of opinion that the reduction in the Vote was unjust and undesirable. Another meeting had since been called of all the officers of the Yeomanry that could be got together, to discuss the question, and he hoped that this Vote would not be reduced until their mind was known.

Sir JOHN SHELLEY thought that the speech of the Under Secretary for War would afford considerable satisfaction to a large number of Volunteers. It was a mistake, he added, to suppose that the members of that force—at least, so far as he was aware—wished to have aid given them in the shape of a Vote of money; while, if assistance were rendered them in kind, considerable service might be done.

Captain JERVIS was sorry to hear invidious distinctions made between the Yeomanry and Volunteers. They were both admirable bodies of men. The Yeomanry, he considered, was the finest Volunteer Cavalry in the world. But he wished to point out this distinction between the Yeomanry and the Volunteers. The Yeomanry were liable to be called out at any time by the civil authorities, while the latter were responsible as to the Secretary for War, and could be called out only in case of invasion. This, he thought, justified the difference in the expenditure in their favour.

Mr. WYLD remarked that the services of drill sergeants could be obtained in London for 18*s.* per week, and in the provinces at 25*s.*

Mr. PEACOCKE observed that the Volunteers in the county with which he had the honour to be connected (Essex) would prefer having assistance afforded them in kind rather than by a Vote of money. The force experienced great difficulty in procuring sergeants, and the consequence was that there was not among the several corps that uniformity of drill which it was desirable should prevail, and which would prevail if sergeants were duly furnished by the Government.

Mr. CONINGHAM said, that a short time ago a very successful review was held at Brighton; and that was one of a number of facts which led him to believe that it would be better to leave the Volunteer force to manage their own affairs.

Lord ELCHO said, that while he admitted that the review at Brighton was a great success, he thought he was correctly representing the feeling of the large majority of the Volunteer corps when he stated that it was on the whole better that manœuvres on an extensive scale, such as were there executed, should be regulated and controlled by proper military authorities. He felt extremely grateful, he might add, to his hon. Friend the Under Secretary for War for the reception which he had given to the remarks which he had felt it to be his duty to make that evening as well as for the zeal which he manifested in the Volunteer cause. He thought that it might be collected that the Government intended to give to the Volunteers drill sergeants, and he hoped that they would be in sufficient in number and of the best description. There were undoubtedly other causes of expense, such as practice ranges and the custody of arms, and he trusted the Government would consider whether they could not take those burdens from the Volunteers too. He was sorry to find that the hon. Member for Bristol was disposed to act on the principle of robbing Peter to pay Paul. For his own part he believed the Yeomanry Cavalry to be a most valuable force, and if they could possibly be amalgamated with the Volunteers they might act as Mounted Rifles.

Mr. H. BERKELEY having intimated that he would not press his Amendment to a division.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £158,185, be granted to Her Majesty, to defray the Charge of Fortifications at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March, 1862, inclusive."

Sir FREDERIC SMITH asked for some explanation with respect to an item of £4,000 in the Vote for the purchase of land at Alderney. It appeared that £30,000 had been already voted on that account, while only £25,000 had as yet been expended. Under those circustances he did not see how a further sum could be required for that purpose.

Mr. CHILDERS said, he should be glad to receive some explanation of the item for the improvement of the defences of the Mauritius. He believed it to be necessary to complete the defences of Fort George, but there was a plan on foot for carrying out enormous defences on land, which would involve a complete waste of money. He trusted the sum now asked for had nothing to do with that general scheme. With regard to the Ionian Islands, the improvement of the defences was estimated to cost £50,000, and he feared that some general system of fortifying the Ionian Islands was contemplated. In the present state of the navy he did not see the necessity of throwing away this sum, which would not render those Islands impregnable against an attack from France, for instance. With respect to Gibraltar, there had been every successive year Votes for improving the fortifications. Unless satisfactory explanations were given, he should move to reduce the vote for the Ionian Islands, the Mauritius, and Gibraltar.

Lord WILLIAM GRAHAM said that by a memorandum in the account of the receipt and expenditure for Army and Militia services in 1859-60, it appeared that certain sums had been received from various Colonies in aid of the Military expenditure. There had been received from the Ionian Islands, on account of staff expenditure and fortifications, the sum of £49,000; from Malta, £12,400; from Ceylon, £47,954, &c. Could the Under Secretary for War state on what principle these payments had been made; whether these colonies undertook to pay the whole of the staff expenditure and half the amount of the fortifications; and whether the Colonies would undertake to pay the same proportion of the increased expenditure now going on?

Mr. W. WILLIAMS asked whether the proposed expenditure of £4,000 for Alderney was in addition to the former grant of £1,000,000, and how it happened that the marginal note referred, not to Alderney, but to Guernsey? He also asked what was meant by £2,000 for Volunteer batteries? Further, he called attention to the item of £5,000 for Malta.

Mr. CONINGHAM called attention to the Vote of £3,000 for Gibraltar. He believed that this expenditure which the Government had embarked upon was one of the most extravagant possible, and ought to be arrested.

Lord HOTHAM wished to make an inquiry relative to the item of £40,000 for the defences in the Humber. He never had stated, and never would state, the reasons why these works were necessary, but they were perfectly well known in the locality and also to the Government. The necessity for something being done had never been denied. The Secretary of State for War told him last Session he need take no further trouble, and that a Vote would be taken. Ground was purchased, and everything indicated a commencement of the works. It had, however, come to his knowledge that an alteration had taken place in the intentions of the Secretary of State. Could the hon. Gentleman state what that change was, and for what reason it had been come to?

MR. T. G. BARING said, he was not aware of any change in the intentions of his noble Friend, the Secretary for War, but he had had no special communication with him on the subject. Land had been purchased, and it was proposed to commence a battery near Hull. The money would be taken in the Vote for commercial harbours. In answer to the noble Lord (Lord W. Graham) he had to state that the sum received from the Ionian Islands had been paid into the Exchequer, and could not be applied in diminution of the Vote. With regard to the Gibraltar fortifications the sum asked for was increased in consequence of less convict labour having been available than had been contemplated. The Vote for the Ionian Islands was to complete certain works of defence on the land side; but it was not intended to enter upon any new scheme of fortifications there this year, and if any such extended scheme were brought forward the House would have the opportunity of deciding upon it in the Estimates of next year. The Vote for the Mauritius was to be spent in continuing the fortifications of Fort George. By agreeing to these Votes for the Ionian Islands and the Mauritius the House would not be committed to any extended plans of fortifications. It was the opinion of Government that the less spent in fortifying distant dependencies the better; and that the best defence of our distant colonies and possessions was the British Navy. With regard to the Vote at Alderney, the sum had nothing to do with the naval works there, but was for the purchase of land necessary in order to unite the works already completed; and if the present Vote were agreed to, he believed that £2,000 would complete the whole sum required at Alderney. As to the plans at Harwich and Newhaven, it had not been the custom to lay the plans for military works before the House, but they had been carefully considered.

MR. H. A. BRUCE said, the Estimate of the proposed expenditure at the Ionian Islands was £50,000, of which £5,000 was asked in the present year, leaving £45,000 to be voted. Now, he thought the House of Commons would utterly object to such an expenditure upon the Ionian Islands. These Islands were kept as a political necessity, but they did not add to the military strength of the country. On the contrary, they were rather a cause of weakness, inasmuch as they caused our force to be distributed.

SIR FREDERIC SMITH said, he believed the works at Alderney to be a mistake from first to last, and he should, therefore, move the reduction of the Vote by £4,000, being the sum proposed to be spent there.

MR. LIDDELL asked whether Alderney was to be considered as a defensive position or a harbour of refuge? If it was a military position, what was it intended to defend? If it was intended as an harbour of refuge he was prepared to show that it would be uttely useless. It was really a barren rock, which nature had provided with the best defence; but the Government had erected works of defence, and now there were to be new works to defend those previously constructed.

VISCOUNT PALMERSTON said, the answer to this was a very short one. Alderney was not a harbour of refuge. It was a military post connected with the defence of the Channel, and a post considered of the utmost importance by the best military authorities. The Duke of Wellington, who was somewhat of a judge of war, laid great stress on the fortification of Alderney, which, in connection with Portland, would be a station of the utmost importance with a view to the defence of the Channel.

MR. GREGORY reminded the noble Lord that, in the Duke of Wellington's time, the present improvements in maritime war were unknown. In his opinion, Alderney was a source of positive weakness to us. In order properly to defend it, a numerous garrison was necessary, and when in France this very year, a French officer, in speaking to him upon this subject, said, "It will be impossible for you to place a sufficient number of men there to protect it against us; but we can afford a sufficient number to enable us to hold it, and, therefore, every penny you are spending there is spent for our benefit, and not for your own." It was notoriously the opinion of every officer who commanded a ship of war that it would be better to throw the money into the sea than continue this expenditure. The expenditure was not merely useless, but positively detrimental. The harbour was nothing better than a shell trap, for an enemy's vessel might anchor outside and shell every vessel taking refuge there.

VISCOUNT PALMERSTON said, that so far from the improvements in navigation diminishing the value of Alderney they very much increased it. So long as vessels were impelled by sails, communication with Alderney might be difficult; but the application of steam rendered Alderney much more valuable, both as a work of defence, and as a place from which to watch Cherbourg, and as a means of communicating with our side of the water. If the House was to adopt the principle laid down by the hon. Member and go to French officers of the army and navy for their judgment of the value of our defences, it would, no doubt, be very easy to demonstrate that it was ridiculous for England to keep up her army, that we were throwing away money in maintaining a navy, and that, as to fortifying Portsmouth and Plymouth, it was the most childish thing in the world; in fact, that it would be much better to trust to the forbearance of our enemies, to leave everything at their mercy and discretion, and thus save our money.

COLONEL NORTH said, that if it was the opinion of the Commission, of which Sir John Burgoyne was the head, that Alderney should be fortified, there could be no further question about it.

VISCOUNT PALMERSTON pointed out that the question now was not whether Alderney should be fortified, as all the fortifications were complete, but whether we should buy a piece of ground lying close to the fortifications, which it was necessary to keep clear of buildings, in order that they might perform their purpose?

MR. CONINGHAM said, that when he crossed over to Cherbourg with the late Sir Charles Napier, that great naval authority ridiculed the idea of Alderney being useful as a post of observation on the French harbour.

MR. JACKSON said, he crossed over at the same time, and he asked the gallant Admiral whether, if the French fleet were in Cherbourg, they could be kept there? His answer was, "Without a doubt."

SIR FREDERIC SMITH said, that if the French had possession of the Channel for twenty-four hours we should lose not only Alderney, but all the Channel Islands, and whatever garrisons we might have placed in them.

Motion made, and Question proposed,

"That the item of £4,000, for the Purchase of Land in Alderney, be omitted from the proposed Vote."

The Committee *divided*:—Ayes 35; Noes 128: Majority 93.

Original Question again put,

MR. CHILDERS thought the answer of the Under Secretary as to the item for the fortification of the Ionian Islands was not satisfactory. If only £5,000 were required, they ought to know why £50,000 was put as the total estimate in the first column. The Government seemed to have changed their mind as to the whole work. He moved that the Vote be reduced by this £5,000.

MR. BAILLIE COCHRANE said, he wished to remind the Committee that the Ionian Islands were not a colony, but a State that was placed under our protection upon certain conditions. Now, according to the principle laid down by the Foreign Secretary, that the majority of a people had a perfect right to claim their independence, the Ionians ought to be annexed to Greece, as they had expressed their desire for annexation. If, then, they were allowed to follow up the noble Lords' principle, these fortifications would be turned against ourselves.

COLONEL DUNNE said, if the people of those Islands wished to separate from us, and if we wished to keep them, the sooner those fortifications were completed the better. The fortifications there belonged to us, although the people might not. Unless the Government finished those fortifications there all the money we had laid out on them would be thrown away.

MR. T. G. BARING said, he had the authority of Lord Herbert for assuring the Committee that by assenting to this Vote of £5,000 they would not pledge themselves in any way to the £50,000 which appeared in the first column of the Estimates. It would not be expended in any new works, but simply in repairing works to make the town safe against a *coup de main* on the land side.

MR. E. P. BOUVERIE said, that before Lord Seymour's Committee a few years ago it was stated that if those fortifications had never been begun we should have practically been in a better position, as we had the command of the sea. Did the hon. Gentleman the Under Secretary mean that this £5,000 was not part of the £50,000?

Mr. T. G. BARING said, the £5,000 had nothing to do with the £50,000.

Sir FREDERIC SMITH asked why the £50,000 was placed in the first column at all?

Mr. BAILLIE COCHRANE asked why in another column it was stated that after this Vote £45,000 would be required to complete the works?

Captain JERVIS could state of his own knowledge that this Vote was absolutely necessary to complete the fortifications. Whether the Ionian Islands should be held as a military post was a very different question, and should be discussed at another time.

Colonel DICKSON pointed out that £50,000 was stated in the Estimates as the total cost of the works.

Sir JAMES FERGUSSON understood that the £5,000 now asked for was required for the restoration of certain works now in existence, and that the rest of the £50,000 was intended for fortifications as to the construction of which the House would have a future opportunity of deciding. On that understanding he would agree to the Vote.

Mr. T. G. BARING confirmed the statement of the hon. Baronet, and repeated that the £5,000 had nothing to do with the £50,000.

Mr. MONSELL hoped the Under Secretary would inform them what the definite object was which was to be accomplished for the £50,000. The destruction of the fortifications at Corfu had interfered with the drainage, and caused much pestilence and misery to the people.

Captain JERVIS explained that a certain part of the fortifications were pulled down in order that they might be held by a smaller body of men, and denied that the operation had been attended with any unhealthiness to the inhabitants.

Colonel DUNNE believed that the £5,000 was to be applied to the *enceinte* of the principal work, and that the £50,000 was required for the erection of a lunette or covering fort.

Motion made, and Question put,

"That the item of £5,000, for the Improvement of Defences in the Ionian Islands, be omitted from the proposed Vote."

The Committee *divided*:—Ayes 59; Noes 92: Majority 33.

Original Question put, and *agreed to.*

Mr. E. P. Bouverie

House *resumed.*

Resolutions to be reported on *Monday* next.

Committee to sit again on *Monday* next.

EXCISE AND STAMPS BILL.

COMMITTEE.

Order for Third Reading read, and *discharged.*

Bill *re-committed* in respect of Clause 15.

House in Committee.

Mr. HEYGATE complained of the injurious operation of the right hon. Gentleman's legislation on his (Mr. Heygate's) constituents. Continually renewed, and changed from year to year for two or three years past, it threw trade and business into uncertainty and confusion.

Clause 15 (Imposing a penalty on persons signing any agreement for the hire of a furnished house),

The CHANCELLOR of the EXCHEQUER moved the addition to Clause 15 of the following proviso:—

"That nothing herein contained shall be construed to render any person liable to any penalty for or on account of any letters or correspondence by post, containing the terms or conditions offered or accepted for the taking or letting of any furnished house."

Mr. CRAUFURD thought the words did not meet the difficulty, as they only exempted persons from the liability of the penalty on account of letters and correspondence sent by post. The penalty was incurred for omitting to use the stamp on all memoranda of agreements.

Mr. HENNESSY thought the proviso did not meet an objection which he had previously stated. The clause enacted that where the adhesive stamp was not cancelled all who asigned the instrument and those who prepared it were liable to a penalty of £20. By a previous section the stamp must be cancelled by both parties, so that if one party alone cancelled it, and the other also signed the agreement, all parties were liable to the penalty.

Mr. AYRTON hoped that the proviso as to sending letters by post would be amended. It was at present as preposterous a piece of legislation as ever was submitted. If a person sent a letter by post it was to be recognized; but if it was sent by a footman the sender would be liable to a penalty. The law at present as to agreements was satisfactorily established, and he hoped the clause would not be insisted upon.

The CHANCELLOR of the EXCHEQUER deprecated the strong language used by the hon. Member. When high duties were imposed upon leases and agreements which could not be levied, that appeared to the hon. Member to be a satisfactory state of things. The matter had been discussed on the previous evening, and decided by a majority of the House. With respect to the observations of the hon. Member for Ayr (Mr. Craufurd), it was true that in certain cases the effect of the Bill would not be to reduce the duty upon letting houses where the rent was under £20, but there was no reason why, when the duty was moderate, there should be no means of levying it. With respect to the observations of the hon. Member for the King's County (Mr. Hennessy) he could only say that he did not see how if the stamp was cancelled the other party could be liable to the penalty. As to sending letters by post he thought ninety-nine out of every one hundred were sent by post, and to omit that requirement would be to nullify the clause.

Captain JERVIS observed that as the defacement of the adhesive stamp was for the protection of the revenue, its cancelment by more than one person was unnecessary.

Mr. HENNESSY repeated his objection that, as the adhesive stamp was to be defaced by both parties to the agreement, if one omitted to write his name upon the stamp not only both parties but all who were concerned in the preparation of the agreement would be liable to a penalty.

Mr. AYRTON said, that the general form of penal clauses was to impose the penalty upon persons who violated the law; but this clause said that unless a certain thing was done every person who signed the document, or was concerned in preparing it, should be liable to a penalty. That was not the mode in which the House had been accustomed to legislate, and he hoped that it would not now adopt such a system.

The CHANCELLOR of the EXCHEQUER did not wish to punish any one except on his own default. He would, therefore, not ask the House to read the Bill a third time that night, but would consider this matter.

House *resumed;* Bill *reported;* as amended, to be considered on *Monday* next.

EAST INDIA (COVENANTED SERVICE). PAPER MOVED FOR.

Mr. VANSITTART moved for an Address to the Crown for copies of the Report of a Special Committee of the Council of India to the Secretary of State upon the subject of opening, upon certain conditions, the Covenanted Service of India; with dissents, if any, therefrom. The hon. Member said the answer given the previous evening by the right hon. Baronet the Secretary of State for India was most unsatisfactory, and unless he could obtain a response of a more assuring character he should be reluctantly compelled to divide the House. The right hon. Baronet had not offered any opposition to the production of papers relating to two of the Bills, and the information he now sought had reference to the third, which was regarded out of doors as the most important of these measures.

Sir CHARLES WOOD felt it his duty to resist the Motion, which he hoped would not be pressed by the hon. Member, who had always acted in a spirit of perfect fairness and candour. The papers which he had formerly produced were despatches from the Governor General and the Governor of Madras; but those now asked for were Reports of the Council to the Secretary of State for India, which partook of a confidential character.

Sir MINTO FARQUHAR supported the Motion, thinking it most important that the House should have before it every paper bearing on that subject.

Sir GEORGE LEWIS said, he opposed the Motion, as the House was not entitled by the Act to have the dissents of a Committee of the Council laid before it.

Mr. SEYMOUR FITZGERALD regarded the production of the papers as essential for the guidance of the House in forming its opinion on the Bill for regulating the Indian Civil Service.

Mr. AYRTON did not think it was usual or proper to seek to compel the Secretary of State to give those papers.

Sir JAMES FERGUSSON thought the House was bound to insist on their production.

Motion made, and Question put,

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a Copy of the Report of a Special Committee of the Council of India to the Secretary of State, upon the subject of opening, upon certain conditions, the Covenanted Service of India; with dissents, if any, therefrom."

The House *divided:*—Ayes 28; Noes 43: Majority 15.

House adjourned at a quarter before Two o'clock till Monday next.

HOUSE OF LORDS,

Monday, June 10, 1861.

MINUTES.] *Took the Oath.*—The Lord Clanwilliam.

PUBLIC BILL.—1ª Volunteers Tolls Exemption.

RIBBONISM (IRELAND)—CHIEF JUSTICE MONAHAN.

THE EARL OF LEITRIM *presented* a Petition of Farmers and Inhabitants of the Barony of Kilmacrenan County, Donegal, praying for the Suppression of Ribbonism. The noble Earl, in presenting the petition said, that the state of things in Donegal was owing, in great measure, to the course pursued by the authorities; and if, among the rest, Judges acted as political partisans, he apprehended that there was very little anticipation of peace in any country. Chief Justice Monahan, in his address to the grand jury of the county, congratulated them on the lightness of the calendar; and said, he did this the more gladly inasmuch as from the officers of the county he had reason to believe that no crime had been committed there for a considerable period where the party had not been made amenable to justice; so that, he added, the lightness of the calendar was not attributable to any difficulty experienced in procuring evidence. He stated, also, that this was matter of satisfaction, because he had often had reason to remark, as he did then with truth and sincerity, that the quietness of the country had mainly resulted from the vigilance, activity, and conduct of the magistrates of the country. By this Chief Justice Monahan referred not to the country gentlemen, but to the police magistrates. This speech, rather than a charge, was utterly untrue, for it was notorious that much crime of a serious character had been committed in Donegal, which had never been punished, and that the whole machinery of government in that district was most defective. He hoped, in conclusion, that Her Majesty's Government would take the state of this district into consideration, as there was no doubt the whole machinery of law and police was defective.

THE LORD CHANCELLOR:—I feel it my duty to ask the noble Earl whether he has given notice to Lord Chief Justice Monahan that these complaints were to be brought against him in the House of Lords?

THE EARL OF LEITRIM:—No.

THE LORD CHANCELLOR.—Then I must say that the noble Earl has behaved most improperly. The Judges of the land acted under responsibility; and any misconduct of which they may be guilty may be inquired into, and animadverted upon by either House of Parliament. But to bring forward such a complaint as we have just heard from the noble Earl without any notice to the high officer complained of is, I must say, most unjust and most unconstitutional. I can only express my hope that as Lord Chief Justice Monahan is one of the most honest and upright, as well as learned Judges that ever adorned the bench, he may long continue to do so, and that he will be so considered to the end of his career.

Afterwards—

THE EARL OF LEITRIM said, in consequence of the challenge which the noble and learned Lord on the Woolsack had thrown out to him in respect of the comments he had felt it his duty to make on the charge of Chief Justice Monahan, he would give the noble and learned Lord full and ample opportunity to give any explanations which the Chief Justice might wish to make; and for this purpose he gave notice that he would move for papers on the case on Thursday next.

THE LORD CHANCELLOR: The noble Earl proposes to discuss the charges he has to bring against Chief Justice Monahan, who is now discharging his duties in Ireland, on Thursday next. The noble Earl must see that it is impossible that I can communicate with the Chief Justice, and that the learned Judge can forward his explanations by that day.

THE EARL OF DONOUGHMORE wished to put it to his noble Friend that the time he proposed was scarcely sufficient to allow explanations to be forwarded. The noble Lord on the Woolsack was the natural guardian of the honour and character of the Judges in this House, and it was reasonable that he should have time to obtain from Chief Justice Monahan his answer to the charges that were brought against him. He suggested that the noble Earl should postpone his Motion till Thursday week.

THE EARL OF LEITRIM would be happy to fix any day that would be more convenient. All he desired was to check a gross abuse. He would bring forward the subject on Thursday week.

INDIAN PRIZE MONEY.—QUESTION.

Lord BERNERS asked the noble Earl (Earl De Grey and Ripon), If there was any objection to lay upon the Table the Correspondence that has taken place between the Indian Government and the prize agents on the subject of interest due on the Delhi Prize Money? He understood there had been some misapprehension as to the speech of the Secretary of State for India in the other House, who was reported to have said that interest would not be allowed on the prize money.

Earl DE GREY and RIPON said, there was no correspondence to be laid before the House on the subject; but it appeared there was some misconception either as to the Question put to his right hon. Friend the Secretary for India, in the other House, or as to the answer given by him. He was represented to have said that interest would not be paid on the prize money in the Indian Treasury. The fact was that interest at the rate of 5 per cent would be paid on all the money taken, but of course interest would not be paid on the value of the jewels.

BANKRUPTCY AND INSOLVENCY BILL.

COMMITTEE.

House in Committee (according to Order.)

The LORD CHANCELLOR, who was almost wholly inaudible said, the Bill had been greatly altered, and as he considered greatly deteriorated in the Select Committee; but he should bow to the decision of the Committee, and should not propose the rejection of the alterations that had been made.

Lord CHELMSFORD: My noble and learned Friend the Lord Chancellor, in presenting the result of the labours of the Select Committee stated, that great alterations have been made in the Bill, but that he doubted whether they ought to be called Amendments. He also expressed a fear that some of the alterations, if allowed to remain, would prevent the efficient working of the measure. I confess that it appears to me that the Bill has come out of the Select Committee very considerably improved. Of this, my Lords, I am certain, that there was not a single Member of the Committee who did not evince the most sincere and earnest desire to make the Bill as useful as it possibly can be made. We may have differed with regard to our views, but there was only one object I am certain which animated the minds of every Member of the Committee, which was to render the Bill as complete and satisfactory as possible. Nobody can appreciate the great difficulties which attend the framing of a Bill which would be satisfactory to all parties upon this important subject, but those who have paid very considerable attention to the matter. The commercial community may be said to be divided into two distinct classes, advocating completely opposite opinions with regard to the mode in which the administration of bankrupt's estates should take place. My noble and learned Friend the other evening presented a petition praying that your Lordships would pass the Bill exactly as it came out of the House of Commons. Now, undoubtedly, the petitioners could not have been very well informed with regard to the character of the Bill, because there were very great inaccuracies in it as it came up to your Lordships' House, and there were parts which it was impossible should work. On the other hand, I have this evening presented an important petition, in which the principal merchants of Manchester state that the alterations which have been made in the Bill by the Select Committee have their entire approval, and they pray your Lordships to agree to those Amendments. Your Lordships have probably read some printed papers which have been circulated by the Mercantile Law Amendment Society, in which they deplore the striking out of the Chief Judge, which they say was the most popular and the most useful feature of the Bill. In the very petition to which I have referred your Lordships will find that the Manchester merchants take a very different view of the matter, and think that the Chief Judge was a useless and unnecessary expense. Now, the difficulty is to reconcile the conflicting views of parties on this important subject. If you were to take your stand upon one ground, and to view the Bill only in that direction, you would find powerful arguments, indeed, in favour of that side; whereas if you take the opposite ground, and look on the case from that only, you would find equally strong arguments in favour of the other view of the question. But on the present occasion I am not calling on your Lordships to decide between the conflicting opinions of the commercial community; I am anxious to call your Lordships' attention to a point in which, as it appears to me, there is a very considerable blot upon the face of the Bill, because it seems to violate one of the first principles of legislation by making the law —the new law which is introduced by the Bill — retrospective in its operation. I tried to persuade the Select Committee to introduce the clause which I am now about to propose to your Lordships. I was defeated by a very slender majority; but I, like my noble and learned Friend, should have bowed to the decision of the Committee if I had not felt that this was a matter of vital importance; that it was a violation of the universal principle of legislation; that it would create the greatest possible injustice if the Bill were allowed to come into operation as proposed. I will explain the matter to your Lordships as shortly and as plainly as I can. Under this Bill, for the first time, non-traders are made liable to the bankrupt laws. Down to this time no person can be made a bankrupt unless he carries on business in buying and selling. But that distinction is now proposed to be entirely abolished by this Bill, and non-traders are, for the first time, to be made subject to the bankrupt laws. Now, my Lords, there are many persons whose opinions are entitled to the highest respect, who doubt the policy and expediency of this change of the law, and who think that it may be attended with mischievous consequences. When these objections were urged to the proposal on a former occasion my noble and learned Friend the Lord Chancellor met us by reference to the example of Scotland, where he said the distinction of trader and non-trader does not exist, but where all persons, whatever, are subject to the operation of the law. But, my Lords, with very great submission, it appears to me to be a very different thing where persons are born under a particular system of law, and where, of course, they will accommodate their habits and opinions and feelings to that law; and, on the other hand, where for the first time a new law is introduced which unsettles previous habits and ideas, and introduces a different relation between the important classes of debtor and creditor as this Bill does. I have no doubt that the Roman who lived under the law of the "Twelve Tables" thought it an exceedingly good system of law, and if he were a creditor probably even thought the law *De debitore in partes secando* very humane, which gave him a dividend of the insolvent debtor's body instead of a dividend of his estate; but it would certainly startle your Lordships, as it probably startled the Romans to have such a law suddenly introduced into their code. I have no objection myself — none whatever — to this blending of the system of insolvency and bankruptcy. I describe it in that manner, because I think it is a mistake to say that you can abolish the distinction between a trader and a non-trader. You cannot do it. The distinction between the two is so broad—the two classes are so totally different—there are so many circumstances which distinguish one class from the other —that it is a better description of the Bill to say it is one for blending the two systems of bankruptcy and insolvency. Although I quite agree that it is desirable that this distinction between the two classes of debtors should no longer exist, yet I think all of your Lordships will be of opinion that it is necessary, in changing the law in this striking manner, that you should guard in every possible way against any inconvenience and any injustice that may result. It would be quite fair to say to the non-trader, "if you incur debts for the future, they shall be accompanied by such and such consequences;" but it appears to me to be most unjust to say that existing debts and liabilities shall have consequences attaching to them which made no part of the contract into which the parties entered, and were never in their contemplation, and that they should render the debtor liable to punishment for that which was not previously any crime. My noble and learned Friend seems to doubt whether this is the case. If he will allow me to give an instance I will at once satisfy him upon the subject. There is a clause in the Bill by which the Court of Bankruptcy is empowered, if a person has contracted debts without any reasonable expectation of paying them, to commit him to prison for a year. Now, my Lords, I dare say at the present moment there are many young, and, perhaps, some old gentlemen, who have contracted such debts, who certainly are morally guilty of a very serious offence, but are not legally punishable for it as a crime. It is right that they should be punished for this hereafter; but it seems to me to be manifestly wrong, and contrary to every sound principle, that you should make them liable to punishment for that which was not an offence when the debt was contracted. This is the evil, the injustice of an *ex post facto* law, which is the most vicious species of legislation. It is a remarkable thing, and I beg your Lordships' particular attention to this part of my observations, that the Government yielded to this principle, recognized it as the proper one to be introduced into this Bill as it was originally framed; for when the Bill was introduced into the House of Commons it contained a clause of precisely the same description as that which I am now asking your Lordships to adopt. I am not using this as an *argumentum ad hominem.* I do not say to the Government, "you cannot after that course object to the re-introduction of this clause," but I think I am entitled to say, "We are told that this Bill occupied the care and attention of the Government for several months before its introduction into Parliament; and it appears that after a most careful consideration the Government deliberately and advisedly determined that it was just and proper there should be a clause protecting non-traders against any retrospective liability to punishment or disability. Your Lordships may be curious to know how it happened that this clause no longer formed part of the Bill when it came up to your Lordships' House. The truth is, that there is in the other House, as there is in your Lordships' House, a period of the evening in which the House falls into what one may describe as a syncope, which, as we all know, is attended with a suspension of the action of the brain. In this House the attack generally terminates fatally. But, in the other, after a period longer or shorter of suspended animation, the House is restored to all its powers and its functions, and proceeds in the vital and active discharge of its duties. In this unconscious interval, if I may so call it, not the Government, but an hon. and learned Friend of mine (Mr. Malins), moved, to the surprise of every one, the rejection of this clause. Whether my hon. and learned Friend the Attorney General had partaken of the general insensibility, or whether he had exhausted himself in defending the other clauses, I cannot tell; but so it was, that my hon. and learned Friend said, "Gentlemen, you may do just as you like." A short and languid discussion took place of twenty minutes' duration; the House had not energy enough for a division; the Attorney General threw away his sword, and the clause was surrendered at discretion. Under these circumstances I should have thought that the Government would have been glad to have supported me in the re-introduction of this clause, in restoring the Bill to the state in which it was when it came out of their hands, inasmuch as the clause was not struck out after the usual mature consideration. Had there been a debate in the House of Commons on the subject, followed by a division, and had the clause been then rejected by a large majority, the Government might very well have said, "Our original opinion was that the clause was right; but inasmuch as the House decided differently, we bow to the decision." But such is not the case; and I do sincerely hope that the noble Earl on the other side will consider that I am only assisting in the views of the Government when I seek to restore this clause to the Bill. I need not enter into the subject of the vicious character of all retrospective laws, nor need I show you instances in which homage has been paid to the great principle of making the laws prospective only. You may take up the statute book and go from one end to the other, and you will find there no instance of retrospective legislation, except—and I wish the distinction to be marked—except cases in which relief has been given, but in no case in which persons have been subjected to civil liabilities, much less to punishment. I will just mention one case in which I think in the strongest possible manner the Legislature showed its objection to retrospective laws. An Act had been passed forbidding printers to advertise foreign lotteries under a penalty of £50, payable to any person who chose to lay an information. A great number of persons printers, in ignorance of the law—which the law, however, says is no excuse—had printed a number of these advertisements, and the consequence was that they were pounced upon by a set of informers, and an immense number of informations for penalties were prosecuted against them. The mischief was felt to be so great that the Legislature thought it right to interfere, inasmuch as the printing of the advertisements had taken place inadvertently; and, therefore, a Bill was brought in by which the parties were relieved from the actions then pending, but they were relieved only on payment of all the costs up to that time. In every case in which a common informer had obtained judgment the Bill did not operate, but his rights were protected by an express provision. This is a striking proof of the great reluctance of the Legislature to introduce any retrospective law; and if I were to search the statute book I do not think I could furnish a stronger illustration of my position. I trust I have now satisfied your Lordships that it is proper to reintroduce the clause providing that the non-trader portion of the Bill should not have a retrospective operation. The noble and learned Lord concluded by moving an Amendment, to insert the following clause:—

> "The Debt of the Petitioning Creditor of any Debtor not being a Trader must be a Debt contracted after the passing of this Act; and the Judgment Debtor Summons must be a Summons in respect of a Debt contracted or a Liability incurred after the passing of this Act."

THE LORD CHANCELLOR said, that although he did not join in the warm eulogium pronounced by his noble and learned Friend on the performances of the Select Committee, he did not dispute that they had been actuated by the most laudable motives in what they had done, as well as in what they had undone. But he must repeat his opinion that what they called amendments were in some cases rather alterations, and even deteriorations. His noble and learned Friend comforted himself very much by a petition that he had presented to their Lordships that evening. If the noble and learned Lord had been in the House at an earlier hour he would have seen petitions presented in a different sense. For himself, he could declare most solemnly that he had had representations made to him, not only from the society which had been referred to, but from various other quarters and from mercantile bodies of the greatest importance, lamenting the alterations made in the measure by the Committee, and especially lamenting the rejection of the provisions relating to the Chief Judge. That was, in fact, a most important part of the Bill, which in the House of Commons never met with the slightest opposition, which was universally approved by both sides of the House, and which was hailed with satisfaction by almost all who were connected with the administration of the law of bankruptcy. He did not now call on their Lordships to resist what had been done on that subject by the Select Committee; but he believed that without the Chief Judge the Bill would not work or produce the good effects which were anticipated from it. An unexpected attack had been made on that part of the Bill in the Committee, for no notice was given, either publicly or privately, that such an Amendment would be moved; and a noble Friend who sat near him, as well as other members of the Committee, were absent in the discharge of a public duty when the Motion was made. He could take upon himself to say that no answer whatever was given to the arguments which had been adduced to show the indispensable necessity for the appointment of the Chief Judge. It was supposed that his duties would be the same as were now performed by the Lords Justices of Appeal in the Court of Chancery. But that was not so. The Chief Judge in Bankruptcy was to have most important functions. He was to hear appeals from all the County Court Judges, as well as from the District Bankruptcy Judges; and now, when non-traders as well as traders were to be included in the Bill, the business of appeal would be so much accumulated that it would be utterly impossible for the Lords Justices in the Court of Chancery to answer the expectations which had been formed of them. He had no doubt the result would be such that the noble Earl opposite would regret that he had acquiesced in the alteration. For himself, he had no difficulty in expressing his belief, his hope, his expectation, that in "another place" the clause as it originally stood would be restored. He had no Amendment to offer on the subject; but he trusted a remedy would be found elsewhere, and that afterwards their Lordships would agree to that Amendment, so that the Bill might answer the expectations of the country. With regard to the Amendment moved by his noble and learned Friend (Lord Chelmsford), he must acknowledge that it would be by no means fatal to the Bill. It would only delay its operation in a few cases. His noble and learned Friend had given a description of what had taken place in the House of Commons on Mr. Malins's Motion, which was certainly more humorous than correct. Mr. Malins made a solemn Motion; he gave his reasons at considerable length; there was no division, because there was no difference of opinion. But his noble and learned Friend should have gone on to tell their Lordships what took place afterwards; for when the state of syncope was over, when the House was in full vigour, when its benches were crowded and the intelligence of all was awake, that distinguished ornament of the House, Sir Hugh Cairns, made a Motion, the substance of which was to reverse that vote. There was a debate on it;

the subject was canvassed on both sides, the House divided, and there was a majority of twenty-five—a majority beyond its teens —against him. He, therefore, trusted their Lordships would follow the example of the Select Committee, where the subject was debated, when a division took place and it was carried by a majority of two to leave the Bill in that respect as it now stood. He must say he agreed most heartily with what his noble and learned Friend said against retrospective legislation; but he denied that this could fairly be considered a retrospective law. The object was not to punish debtors, but to provide that they should cede their property for division among their creditors. There was nothing in the Bill which would subject a debtor to punishment for anything hitherto done; it was only in respect of what might be done hereafter that an adjudication of bankruptcy could take place. It was the going abroad with the intent to delay creditors—it was the staying abroad with the intent to defraud creditors—it was the making a fraudulent conveyance or transfer of property with the same intent—it was only where these acts were done after the Bill had received the Royal Assent that the debtor committing them could be made a bankrupt. He maintained this was prospective, not retrospective legislation. It was necessary and, he believed, would be salutary. His noble and learned Friend had talked of petitions; there ought certainly to be petitions from Boulogne and Calais in favour of his Amendment; for he believed both would be very much unpeopled if he did not succeed in it. He trusted their Lordships would agree with the House of Commons and the Select Committee, and negative the Motion of his noble and learned Friend.

THE EARL OF DERBY said, he should hardly have troubled their Lordships on this subject, but for the pointed reference made to him by the noble and learned Lord. The noble and learned Lord appeared to be exceedingly shocked or distressed at the striking out of the clause with respect to the Chief Judge. For that alteration neither he nor any noble Lord on his side of the House was responsible; but it was introduced on the authority of the noble and learned Lord (Lord Cranworth) who was sitting just behind his noble and learned Friend. The clause was struck out after full and careful discussion, because it was thought that the motives alleged for the appointment of a Chief Judge —namely, that he would promote regularity and uniformity of decision—would not have any real effect, because the original jurisdiction of the Chief Judge would be comparatively very small. The original jurisdiction in bankruptcy would be divided amongst a larger number of persons by this Bill than it was at present, and, therefore, the Committee could not see how a greater uniformity could be obtained than now, the appeals being at present to the Lords Justices instead of to a Chief Judge. Further, the Select Committee thought that the appointment of a Chief Judge was a great and an entirely unnecessary expense, and that it would very largely increase the expenses attending bankruptcy proceedings. If the Bill had not been altered in this, or some similar respects, the public would soon have found that the bankruptcy law would have been much more expensive and complicated under this Bill than it now was. When the clause relating to the Chief Judge was struck out, he could only say there were seventeen Members present, and he believed the only Member who, although ordinarily regular in his attendance, happened not to be in the room at the time was the Lord President of the Council.

THE LORD CHANCELLOR: And Lord Stanley of Alderley.

THE EARL OF DERBY: Then there were only sixteen Members present; but the subject was fully discussed, and when the Lord Chancellor put the Question, "that this clause stand part of the Bill," there was not a single Peer who raised his voice in favour of it.

EARL DE GREY AND RIPON: I did.

EARL SPENCER: I also said "Content."

THE EARL OF DERBY was not aware of the fact. He thought there was not a single voice which said "Content," but undoubtedly there was no Member of the Committee who ventured to say "The Contents have it." When the retrospective operation of the Bill was discussed there were eighteen Members present, of whom ten voted against doing away with the retrospective operation, and eight in favour of the Amendment to that effect. The Committee consisted of twenty-one Members. Lord Lyndhurst unfortunately was unable to give his attendance, and the other two Members who happened to be absent on the occasion in question entertained strong opinions as to the impropriety of the retrospective clause. Therefore, the Committee might be said to have been equally divided, and, consequently, his noble and learned Friend (Lord Chelmsford) thought it right to submit the question to their Lordships. He was glad to hear the Lord Chancellor say that he disapproved retrospective legislation; but the statement of the noble and learned Lord that there was nothing either retrospective or penal in the Bill was one in which he could not concur. If their Lordships would only refer to Clause 82, they would find that—

> "If any person, not being trader, shall, with intent to defeat or delay his creditors, depart this realm, or being out of this realm shall with such intent remain abroad, or shall with such intent make any fraudulent conveyance of his estate, such person shall be deemed to have thereby committed an act of bankruptcy."

Therefore, the Bill proposed this penalty should be imposed on any person who had contracted a debt years ago. This, he contended, was undoubtedly retrospective legislation.

The LORD CHANCELLOR: Certainly, if he does not conform to the law.

LORD CHELMSFORD: If he does not surrender in a certain time.

THE EARL OF DERBY: If the person did not return to this country he came under the operation of the Act for a past debt. Then what did the noble and learned Lord say with regard to the penal effect of the Bill? Clause 164 said that if the Court should be of opinion that the bankrupt, being a trader, had carried on business by means of fictitious capital; or, with the intent to conceal the true state of his affairs, wilfully omitted to keep proper books; or, whether a trader or not that he had not at the time when any of his debts were contracted any reasonable and probable ground or expectation of being able to pay the same, then he might be sentenced to imprisonment for one year, although the debt was contracted before the passing of this Act. He thought on all these grounds their Lordships would insert the clause proposed by his noble and learned Friend, and for the reason he had stated, the noble and learned Lord Chancellor, being opposed to retrospective legislation, ought to vote for it.

LORD CRANWORTH would be the last man to concur in any legislation which was really retrospective; that was to say, by which any existing right was infringed or taken away; but he maintained that the Bill did not contain any such principle—all that the Bill now did was to give a new, an easier, and a cheaper means of enforcing rights which actually existed. The term "retrospective" might as well be applied to every Act for facilitating the recovery of debts which had been passed in modern times. Lord Eldon was no bold Legislator who would have interfered with existing rights, but by his Consolidated Bankruptcy Act many classes of persons were brought within the operation of the bankruptcy laws who were not subject to them before, and yet it never occurred to the mind of Lord Eldon that, because persons by that means might be made criminally responsible, therefore, the Act should apply only prospectively to debts afterwards incurred. The same thing was done by Lord Hardwicke, who brought bankers and brokers for the first time within the operation of the bankruptcy laws. Therefore, on authority, as well as on principle, he contended that their Lordships were not interfering with the retrospective rights of any individual. Their Lordships proposed to introduce, under the plea of bankruptcy, something to exclude retrospective legislation with regard to non-traders, and to that proposition he could not agree, and he should, therefore, conscientiously adhere to the principles which actuated him in the Select Committee, and vote for the Amendment.

LORD BROUGHAM said, he could state nothing as to what passed in the Committee either on one side or the other because he was not there, and, therefore, could not say how the retrospective clause passed; but it was clear that the clause was carried in Committee by a bare majority. But upon the merits he must say that even if the clause had been carried by a large majority, he should still entertain the most positive opinion that the creation of a Chief Judge, as proposed, would be utterly useless. The Chief Judge, it was proposed, should be equal in dignity to the *puisne* Judges, and was to have a salary of £5,000 a year; and he would have to do literally nothing. If there were any necessity for superintendence of the proceedings of the Commissioners, why not make one of the Commissioners head of the others, and let him superintend the court? This would be unobjectionable, because the Chief Commissioner would have other duties to perform, whilst the proposed Chief Judge would have no functions but those of superintendence. He had some experience as regarded an appeal within the Court of Bankruptcy, for the Act of 1831 a Court of Review, with a Judge to preside over it, was created, which took the position which the Court of Chancery previously occupied in respect to bankruptcy. At that time a very large portion of the time of the Lord Chancellor was occupied by appeals from bankruptcy—indeed, the sittings in reference to bankruptcy frequently occupied four or five weeks; but after the Court of Review was formed it was found that the Commissioners performed their functions so satisfactorily that there was nothing for the Court of Review to do, and it was allowed to fall into disuse. He strongly recommended their Lordships to agree to the Amendment now proposed. The precedents mentioned, and with which Lord Eldon and Lord Hardwicke were connected, applied to a totally different state of things. In that case it was sought to bring within the bankrupt law bankers and brokers and others quasi-traders, who by some caprice of legislation had been left without the pale of the bankrupt law; but there was a wide distinction between that and the present Bill by which it was proposed to enter the penalities and consequence of the bankrupt law to persons who had nothing whatever to do with trade. Suppose there were no imprisonment for debt, as was formerly the case—for such imprisonment was the creature of the statute, and did not exist at common law—would it not be thought hard upon passing an Act instituting imprisonment, to make it apply to debts contracted before the statute? He agreed, however, that there were many reasons why there should be a prospective operation to the clause. If the Bill passed in its present shape it was possible for a Member of either House of Parliament to become a bankrupt for a debt at a time when he felt he was perfectly safe in contracting it; and the consequence of bankruptcy in the case of a Member of the House of Commons was that the Member was expelled from that House and lost his seat by Act of Parliament.

LORD WENSLEYDALE was understood to oppose the Amendment.

On Question, Whether the said Clause shall be there inserted? their Lordships *divided*:—Contents 98; Not-Contents 61: Majority 37.

Motion *agreed to;* Clause there inserted.

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Exeter, M.
Normanby, M.
Salisbury, M.

Amherst, E.
Aylesbury, E.
Bantry, E.
Beauchamp, E.
Cardigan, E.
Carnarvon, E.
Cawdor, E.
Coventry, E.
Derby, E.
Devon, E.
Doncaster, E. *(D. of Buccleuch & Queensberry).*
Ellesmere, E.
Erne, E.
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Canterbury, V.
De Vesci, V.
Doneraile, V.
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Colville of Culross, L. [*Teller.*]

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Egerton, L.
Feversham, L.
Forester, L.
Grantley, L.
Kenyon, L.
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Lyveden, L.
Maryborough, L. (E. *Mornington.*)
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Polwarth, L.
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Chichester, E.
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Spencer, E.

Sydney, V.
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Durham, Bp.

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Ashburton, L.
Boyle, L. (*E. Cork and Orrery.*)
Camoys, L. [*Teller.*]
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Ebury, L.
Foley, L. [*Teller.*]
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Herbert, L.
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Leigh, L.
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Overstone, L.
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Stanley of Alderley, L.
Sundridge, L. (*D. Argyll.*)
Talbot de Malahide, L.
Taunton, L.
Truro, L.
Wensleydale, L.
Wodehouse, L.

Lord CRANWORTH said, he had given notice of his intention to strike out Clause G., introduced by the Select Committee on the Motion of the noble Earl opposite (the Earl of Derby), though he did not intend to give their Lordships the trouble of dividing. The noble Earl had put this case in support of his view. Suppose a father, aged 50, and a son, aged 25, the father having a life interest, and the son having also a life interest in remainder after his father, producing an estimate made by an actuary, the noble Earl showed that the value of the son's reversionary life interest would be worth only two years' purchase; and his argument was that it would be very hard to make a bankrupt of such a man, and to sell so small a reversionary interest. Now, he could see no hardship at all in the case supposed. The question was what was the interest worth? and if the person who owned it was indebted and had no other property, why should it not be applied in payment of his debts, as well in the case of a non-trader as of a trader? Though there was probably no intention of this kind on the part of those who framed the clause, it looked as if their object was to protect the upper ranks of the community and those not engaged in trade, while those who were engaged in trade were left without any such protection. The exception was liable to the charge of being something like class legislation without effecting the object in view, for the son's reversionary life interest, might certainly be taken in execution, and sold at the instance of a creditor. He moved that the clause be omitted, but would not divide their Lordships on the point.

The Earl of DERBY said, the clause had been introduced by the Select Committee at the instance of his noble Friend (Lord St. Leonards). The case was this. A man, aged 50, had a son, aged 25, who had an infant son. An estate of £10,000 a year was settled on the son, with remainder to the children. If the son became bankrupt his interest would, under the Bill as it originally stood, be sold, and he (the Earl of Derby) took the opinion of an actuary as to the value of such a life interest under such circumstances. The answer was that such a sale would be very difficult to effect, as few persons would be found to purchase such property. The value, according to the chances of life, would be about two years' purchase. Let their Lordships consider the effect of a sale of the estate under the circumstances referred to. The tenant in possession would take no interest in it knowing that it would go to a stranger; and when that stranger came into possession all he would care about would be to screw as much out of it as possible. What would be the condition of that property when it came into possession of the grandson? Well, then, what the new clause proposed was this, that under such circumstances the sale should not take effect except under the express direction and sanction of the Court.

Amendment *negatived;* Clause *agreed to.*

Further Amendments made:

The Report thereof to be received on *Thursday* next.

House adjourned at a quarter before
Eight o'clock till To-morrow,
half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, June 10, 1861.

Minutes.] Public Bills.—1° Vaccination.
2° Irremovable Poor; Removable of Scotch and Irish Poor.
3° Edinburgh Assessments.

CRAVEN HILL, PADDINGTON.

Sir JOHN SHELLEY said, he wished to ask Mr. Attorney General what he proposes to do with the surplus arising out of the cause The Attorney General *v.* the Craven Hill Estate?

The ATTORNEY GENERAL said, that many years ago, Lord Craven gave a piece of land for the purpose of establishing pesthouses for the benefit of five of the parishes of London. In the course of time that land became very valuable, and was afterwards sold and other land bought with the proceeds at Paddington. That site was selected from the notion that the population of London would never extend so far. However, that had not been the case. The land there had become very valuable, and a decree of the Court of Chancery had been taken. It produced very nearly £400 a year, but in the next century, when certain leases fell in, it would bring in a very large amount indeed. It was his (the Attorney General's) desire to apply the money for the benefit of the different parishes, but to divide it among them would not answer any useful purpose of the charity. He, therefore, had proposed to give it to St. Mary's Hospital, Paddington, being the nearest hospital, provided the trustees would build an additional wing for the accommodation of persons affected by contagious disorders in those five parishes. They had taken a considerable time to deliberate on the proposal, but a fortnight ago he (the Attorney General received a letter stating that they declined the offer. He was now desirous of finding some other hospital which would undertake on receiving the income to provide sufficient accommodation for patients who might be sent from the five parishes. He regretted that so much time should have been lost, but it was unavoidable. He would endeavour to have a scheme for the application of the money ready as soon as possible.

CHINA.—MR. PARKES' REPORT.

QUESTION.

Colonel SYKES said, he would beg to ask the Secretary of State for Foreign Affairs, Whether the Report from Mr. Parkes of his four interviews with the Taeping authorities at Nankin, to which reference is made in Commander Aplin's letter, dated the 2nd of April, 1861, in the China correspondence, respecting the opening of the Yang-tze-Kiang River, would be laid upon the Table of the House?

Lord JOHN RUSSELL was understood to say that the Report had been received, and the substance of it given in the papers already produced.

JAPAN.—CASE OF MR. MOSS.

QUESTION.

Mr. Alderman SALOMONS said, he would beg to ask the Secretary of State for Foreign Affairs, If any decision has been come to in the case of Mr. Moss, sentenced by Mr. Alcock to fine, deportation from Japan, and imprisonment at Hongkong; and if he is prepared to lay any papers on that subject upon the Table of the House?

Lord JOHN RUSSELL said, the matter had been referred to the Law Officers of the Crown; but he thought it would not be proper to lay the Papers upon the Table, as there were legal proceedings arising out of them at Hong Kong.

APPROPRIATION OF SEATS (SUDBURY AND ST. ALBANS) BILL.

COMMITTEE. FIRST NIGHT.

Order for Committee read.

Sir GEORGE LEWIS moved that the Speaker leave the Chair in order to go into Committee on this Bill.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

Earl JERMYN said, he rose to move as an Amendment that the House will upon that day six months resolve itself into the said Committee. Nothing could be further from his desire or more foreign to his purpose than to implicate himself in the countenance of bribery and corruption, and the remarks which he should address to the House would completely refute any such imputation. He appeared principally to advocate the claims of the borough of Sudbury to preserve its representation, and he was ready to discharge the same office for St. Albans, though he had no direct authority to make any statement on her part. It might be taken, however, that Sudbury acknowledged the abstract justice of her punishment, but through him, as her representative, took exception to the scheme of the Government, which created a double condition of the law, and which allowed two different classes of punishment to be meted out to one and the self same offence. Such a state of things ought not to command either the approbation or acquiescence of the House of Commons. Since the last election for Sudbury had there been no election petitions, no Committees to try charges of bribery, and no Royal Commissioners to inquire into cases of corruption of a still more extensive and systematic nature? Had there been any decrease of electoral offences, or any relaxation of electoral immorality since Parliament, penetrated with serious anxiety, had once and for ever by the exercise of the full weight of its displeasure swept away a body which, to his mind, could not be spoken of or thought of except as a national disgrace? He would not weary them with details, but he entreated them to recollect the enormous mass of petitions complaining of corrupt practices which were presented immediately following the last general election. He admitted that many of those petitions were withdrawn, but enough still remained, after making all due allowance for the excited feelings of disappointed candidates and partisans, to show how inveterate was the evil, and how widespread its operation. He had no hesitation in averring that the borough of Sudbury had been made the scapegoat to bear the burden of electoral sins. He maintained that the measure of disfranchisement was intended to be no less remedial than penal. He appealed, however, to the candour of the House to say whether that intention had been fulfilled? Bribery and corruption still existed, flourished, and permeated our constituencies with an obstinate energy and perseverance which completely falsified all expectation of amendment from the terror of the example which Parliament had made. It might be worth while, then, to inquire why their legislation had been attended with such ill, or rather such little effect. He thought he could tell the House one reason, and could show them at least one cause of the inutility of their Act. It was this—that Parliament had ignored one of the first and most important principles of penal legislation. He submitted that the efficacy of punishment as an agent to deter from the the commission of any offence materially depended upon the impartiality and certainty of its infliction. Unless they showed constituencies that they were prepared to act on a broad and comprehensive principle on a well-considered and statesmanlike system, an act of isolated severity would become, as he feared it had already, merely the laughing-stock of those to whom it was meant as a warning. Had he seen the slightest trace of a disposition on the part of the Government to recommend Parliament to legislate on a statesmanlike and impartial basis, or on the part of the House to take the matter into their own hands, and endeavoured earnestly to cure the evils which now disgraced our electoral system, he would not have troubled the House with his Motion. He could, however, perceive no such intention on the part of the Government; and, whatever might be the feeling of the House at large, his Motion would at least afford an opportunity to those hon. Gentlemen on both sides who took a genuine interest in the matter to express their views. As a reason for the assumption that the Government were not prepared to deal with the question on its merits, he would remind the House of the manner in which the right hon. Gentlemen the Home Secretary had met the distinct question which he put to him in the beginning of the Session, as to whether it was the intention of Government to visit any constituency that might have been already or should be hereafter convicted of gross bribery and corruption with the same punishment which had been inflicted on Sudbury and St. Albans. The right hon. Gentleman in reply favoured the House with the rather stale news that it would be competent for any hon. Member to move the reissue of writs to Gloucester and Wakefield. He also informed them that the Law Officers of the Crown had been consulted as to whether there was a ground for prosecution in the Berwick case. That surely pointed to a prosecution of individuals, whereas his question applied entirely and exclusively to constituencies. He submitted, then, that when it would have been so easy for the right hon. Gentleman either to have met his question with a direct affirmative or negative, he was right in his assumption that the Government had not yet determined on the way in which they should deal with this position, as the right hon. Gentleman rather avoided the real point at issue. Therefore, it was not unreasonable to ask the House to pause before it took the final step of destroying the political entity of these boroughs. They ought first to consider, not the mere abstract, but the comparative and relative justice of the proceeding—they ought, in fact, to consider what ought to be their future procedure with respect to constituencies that were found to be corrupt and rotten at the core—constituencies not a whit less worthy of extinction than those the appropriation of whose seats they were now discussing—nay, those constituencies were far more deserving of punishment, because their offence had been committed in a generation which it was the fashion to believe was of a pure spirit and a higher political morality than that which had gone by. It would have saved the Legislature of the present day much time, trouble, and inconvenience if the Parliament which undertook the immolation of these unfortunate boroughs had made some proper and satisfactory disposition of their bodies. Unfortunately, they did nothing of the sort. They left their victims hanging, and trusted everything else to chance; and it had, therefore, fallen to his right hon. Friend to undertake—there was something significant in that word—the task which ought to have been performed long ago. Accordingly, all the necessary arrangements and preparations for the dismal event were made, the mournful occasion at length arrived, the right hon. Gentleman was ready to perform the sad duties of his self-appointed office, when he was startled, dismayed, and thunderstruck by hearing, *mirabile et horribile dictu*, a noise in the coffins. He should be the last person in the world to attribute to the right hon. Gentleman anything approaching to superstitious terrors; but he must confess that it did appear to him that from that time the right hon. Gentleman had been, for he did not know how many weeks, scampering away as fast as his legs would carry him from that most supernatural and portentous cry. The hon. Member for Knaresborough halloed to him to stop, but he might as well have halloed to the moon. He perfectly sympathized with the feelings of the right hon. Gentleman. It must have been a severe shock to his system, that just when he was about to consign to their eternal house what he fondly believed were the mortal remains of defunct constituencies they should emit sounds which gave unmistakeable evidence of the presence of at least some remnants of vitality. It was because he believed that it would require no very superhuman effort to resuscitate the semi-animate bodies of these unfortunate constituencies that he was making this Motion. It was not the Act of Parliament that stood in their way. Of course if the House, after passing that Act, had proceeded to appropriate the seats there would have been an end to the whole question; but they might, if they pleased, repeal the statute by which the boroughs were disfranchised. He owed the House an apology for interrupting the harmony of the evening — if, indeed, that word were appropriate to what was likely to be a deadly conflict. He sought to play rather the part of some noble or royal personage, who, at a joyous passage of arms, thought fit, from whatever motive — were it of humanity or caprice—to fling down his "gauntlet" into the arena of the tilting ground, and so prevent the impending *mêlée.* He knew very well that many hon. Members had come down to the House somewhat prejudiced against the Amendment. It was no wonder that, after a Session of more than ordinary dulness, hon. Members should be disappointed at the idea of losing the spectacle of a great tournament. Already, no doubt, many hon. Gentlemen in their mind's eye beheld the shock of the heroes as they closed in fight, heard the cries of the spectators, the lamentations at the overthrow of some favoured champion, and the shouts of the victors. He confessed that it was hard to make a sacrifice of such a spectacle; but he had consolation to bestow. He did not seek to oppose the progress of the Bill longer than the period when the House had settled what course it would pursue with regard to constituencies convicted of gross and systematic corruption. He believed that philosophers had decided that pleasure consisted rather in anticipation than in enjoyment, and the hon. Gentlemen to whom he was referring might next year, perhaps, be permitted to enjoy the fruition of their hopes; let them this year, however, be content with the philosophic delights of expectation. There were some Gentlemen out of the House to whom his apologies were also due, amongst whom were a very respectable body of men who were anxious to become the constituents of his right hon. Friend the Chancellor of the Exchequer. He felt confident that the House would discuss this question gravely and temperately; he hoped that they would construe favourably the attempt to prevent inequality and unfairness of punishment, and he felt sure that, with the strong feeling which existed in the country against inflicting capital punishment upon offending electoral bodies, and, in the absence of any comprehensive scheme of reform for abolishing small boroughs, they would not sanction the Bill which was now under their consideration.

Major WINDSOR PARKER seconded the Amendment.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee,"—instead thereof.

Sir GEORGE LEWIS: The noble Lord in the very temperate remarks which he has addressed to the House stated that it was not his wish to arrest the progress of the measure further than for the purpose of discussing the question what should be done with the boroughs convicted of bribery? It appears to me that the most fitting opportunity of discussing that question will be when the Bill regulating the conduct of elections comes under discussion. In that Bill there is a clause providing that the suspension of the writ for a certain number of years shall take place in cases where a commission has reported the prevalence of bribery. That provision is intended to meet the cases where bribery is not universal and long-continued; but in flagrant cases, no doubt, it would be proposed to disfranchise the boroughs altogether, as was done in the case of Sudbury. The speech of the noble Lord is, in point of fact, an appeal to the House for a rehearing on the subject of the disfranchisement of Sudbury; and an attempt to resuscitate that defunct borough—

> "The times have been
> That when the brains were out the man would die,
> And there an end: but now they rise again,
> With twenty mortal murders on their crowns,
> And push us from our seats."

I confess I was not all prepared to hear any attempt to induce the House to reconsider the question of the disfranchisement of Sudbury. If it were restored to its lost franchise I do not see that Grampound might not put in a claim to revival, and the county of York might be asked to give up the two Members which it received from that borough. Nothing could be more notorious than the character of Sudbury for a long-continued and flagrant corruption. Even a century ago its fame was well established. A recent *Constitutional History*, for which we are indebted to Mr. Erskine May, who sits at the table of this House, and with which I have no doubt many Members of this House are acquainted—[*Cheers*]—referring to the electoral abuses which prevailed at the commencement of the reign of George III., contains this passage—

> "Sudbury, infamous for its corruption until its ultimate disfranchisement, publicly advertised itself for sale."

[*Laughter.*] And the Act which was passed by this House, after a full inquiry in the year 1844 recites that "systematic and extensive bribery prevailed in the borough of Sudbury at the last election," and it was, therefore, enacted that the said borough should cease to return any Member or Members to serve in Parliament. That measure was fully considered during its passage through both Houses; counsel were heard at the bar on the second reading both in this and the other House of Parliament, and the Bill passed without any serious difference of opinion. The Bill was introduced by the Solicitor General of the day, and to show the House that persons of all opinions concurred in the disfranchisement, I will read merely a few lines from the speech of Mr. Charles Wynn, well known as an authority on constitutional questions, but who at that time had quite retired from public life, except to the extent of sitting, when he was able, in this House. Owing to infirmity he spoke from his seat, and said

> "He thought the House ought to be consistent with itself and should proceed at once to pass the Bill. The evidence adduced was amply sufficient for the House to act upon in legislating, and he regarded the Bill not merely as penal but as a remedial measure. He believed no borough had exhibited more systematic bribery and corruption than had been shown to exist in the borough of Sudbury."

After this statement of the circumstances under which the Bill was passed I scarcely think it will be necessary for me to dwell at any length on that part of the subject. I will only mention that both sides have concurred in regarding the disfranchisement of Sudbury as a final act. The right hon. Gentleman opposite (Mr. Disraeli) in the Bill which he proposed in 1853, for assigning the same four seats which are under cousideration to-day, treated that Act as final, and in his general Bill for the reform of this House he likewise included them. Therefore, the disfranchisement of Sudbury must be treated as a matter which is beyond the reach of discussion. The noble Lord says we have been inconsistent, and that we have dealt to other boroughs a measure less severe than what we have dealt to Sudbury. I can only say that it is quite competent for any Member of this House, who is of opinion that Gloucester and Wakefield ought to be disfranchised, to bring a Bill under the consideration of the House. It is not peculiarly the office of the executive Government to propose a measure on that subject. The borough of Grampound was not disfranchised on any proposal of the Government for the time being. Those, therefore, who think that the evidence is sufficient to justify a stronger step than we have taken in suspending the writs of those two boroughs during the present

Parliament may make any proposition they think fit to the House. My own opinion unquestionably is that, where a borough is not of first rate importance in point of magnitude, and where the bribery has been extensive, the House ought not to be too tender in regarding the interests of the innocent minority, but might with propriety proceed to final disfranchisement. I am aware, however, that on that matter great difference of opinion prevails. I can only say that the House, no doubt, will be ready at any time to consider whatever proposition any hon. Member may think it his duty to bring forward. Under these circumstances the noble Lord, I hope, will not think it necessary to press this Motion to a division, but will allow us to proceed to the discussion of the clauses of the Bill before us.

MAJOR WINDSOR PARKER said, he did not desire to raise any discussion with respect to the disfranchisement of Sudbury, but he must say that it was contrary to all principles of justice to punish the innocent many for the offences of the guilty few. Was that course adopted in our courts of law? Did hon. Gentlemen recognize it in the discharge of their magisterial duty? The right hon. Baronet had given them the opinion of an hon. Member entitled to respect on the point; he (Major Parker) could refer the right hon. Baronet to the opinion of a man equally respected. Sir Robert Peel had said, speaking of bribery, "he wished to punish the individuals who might be proved to be guilty of bribery; but he thought it would be unjust to punish the whole constituents of a borough for the crime of a portion." He (Major Parker) hoped the time would never come when the House would depart from that wholesome Christian method of never condemning and punishing any one who was not proved to be guilty, and, therefore, that the House would not concur in the views of the right hon. Baronet.

MR. VINCENT SCULLY said, he hoped the noble Lord would press his Motion to a division. Had he not found the notice of the noble Lord upon the paper, he should himself have given notice of a Motion to a similar effect. The House was not in a position to dispose of the four seats at all. The present Government had been put into office to carry out a great and real measure of Reform, and their predecessors had been defeated because they had proposed a mere pitiful instalment. But, paltry as those proposals had been molehills as they were thought at the time, they were mountains to this miserable abortion. Members at that side of the House were expected to vote on all occasions that black was white for the purpose of keeping the Government in office, and yet that very same Government not only violated its pledges, but did not scruple to vilify and slander its supporters, both in the House itself and in the lobbies outside, for the purpose of gaining votes to strengthen its position. He should certainly not allow such a miserable Bill to be proposed without dividing against it, even if he were to walk out into the lobby alone. He could not regard such a measure as in any way a settlement of the question upon which the Government took office. As honourable men the members of that Administration were bound, he thought, to place their posts at the disposal of Her Majesty, now that they had failed to fulfil the pledge upon which they took them. Apart from all angry feeling, however, he would ask was the measure before the House the sort of Reform the country expected? He maintained that so far from furthering the cause of Reform, it would impede it, and that in any general measure it was important to have a few seats for disposal among important constituencies, upon some recognized principle of distribution. So far as the measure went it would stand in the way of the consideration of new ideas which might be broached upon the theory of representation. For instance, it was the opinion of some persons that no constituency ought to have more than one representative. Then, again, the metropolitan boroughs were already over-represented. He did not complain nationally upon that subject, as he thought that Chelsea, if formed into a borough, would be very likely to return a countryman of his own, but he objected altogether to proceeding with a fragmentary scheme whilst the great question of Reform was still unsettled.

MR. STIRLING said, that if the noble Lord who moved the Amendment went into the lobby he should not follow him, though he thought they were indebted to the noble Lord for having brought his Motion forward. The Bill required more consideration with Mr. Speaker in the chair than had yet been given to it; but be believed that, though imperfect in many respects, it was a step in the right direction.

Ever since he had had the honour of a seat in that House it had been engaged in devising schemes to put down bribery and corruption; but it appeared to him that the remedy most likely to be successful had been on all occasions neglected. Public opinion in this country would not permit, and ought not to permit, any very severe punishment to be inflicted on the poor and ignorant man for taking the bribe which the rich and intelligent man gave; but our Legislators had never yet thought of the mild and simple remedy of depriving the voter of his vote whenever he was found guilty of selling it. That punishment would be simple, equitable, suitable to the offence, and not over severe, while it would have the additional advantage of increasing in severity according to the position in life of the offender. Applying the same rule to the person who gave the bribe, he would deprive him of the privilege of voting, not only in the place where the bribe was given, but also in any other part of the kingdom. Let the punishment follow on the finding of a Committee of that House, subject, of course, to any appeal which justice might seem to require. He thought that seats forfeited for offences like that committed at Sudbury and St. Albans ought to be given to other constituencies without unnecessary delay; and it was because this Bill proposed to do tardy justice to those corrupt places that it should receive his support. He thought, however, that Sudbury and St. Albans had a right to complain that other offenders escaped while they were punished. Why had Wakefield and Gloucester been left out of the Bill? Why was Berwick left to pursue its evil courses without a check? Why should the Government—who so frequently warned private Members off this and that field of legislation—leave the important question of bribery to independent Members? As to the disposal of the seats, it was argued that, being English, they ought to be kept for England, and must not be given to Ireland and Scotland. Speaking in the presence of a hostile majority he ventured to think that that argument was unsound. If the geographical argument was to prevail at all, why should it not prevail in favour of the counties in which the punished boroughs were situate? If it were good for England as against the rest of the Empire, why was it not good for Suffolk and Hertfordshire as against the rest of England? He thought the Bill would have been much much more equitable if it had been proposed that one of the seats should be given to Scotland and another to Ireland. The argument that those seats were English had no weight with the political leaders on the front benches when they were preparing their Reform Bills. In the last two Reform Bills, and, indeed, he believed he might say in three, all these four seats were to have been given to the sister kingdoms, and he could not see how what was equitable when those Bills were introduced could be unjust now. He should greatly deprecate the introduction of national jealousies into the consideration and disposal of those seats. He had put an Amendment on the paper in favour of the Scotch Universities, not because those institutions were in Scotland, but because they were the only institutions of that character, and of the same venerable antiquity and national importance which were now unrepresented. He would venture to notice some remarks on the subject which appeared that morning in the great English journal. They were told that in the selection of representatives for seats in Parliament, Scotch and Irish constituencies chiefly considered whether the candidates were Scotchmen and Irishmen. He must say that that statement so far as it concerned Scotland was untrue. His countrymen had not forgotten the generosity of England in adding eight to the Scotch representatives at the time of the Reform Bill, and raising their number from forty-five to fifty-three. Of those eight additional Members no less than seven were Englishmen, which was about the number of Scotchmen returned by all England. There was another statement to which he should not have alluded but for the importance of the journal in which it appeared. *The Times* said that the House of Commons was asked to admit "some deputy from the young gentlemen who elect Lord Rectors and similar Abbots of Misrule at their Annual Saturnalia." On a former occasion the same journal called those young gentlemen "raw boys." The constituents of the Chancellor of the Exchequer and those of the right hon. Gentleman, the Member for Cambridge, might as fairly be accused of holding Saturnalia as that Scotch University constituency which he hoped to see enfranchised. The body for which he asked a representative was the General Councils of the Scotch Universities, a body corresponding with the Convocation of Oxford and the Senate of Cambridge. The General Council of the University of Edinburgh included, or might include, Lord Brougham, the Marquess of Lansdowne, the noble Lord the Foreign Secretary, the noble Lord the Prime Minister, and all the Judges of Scotland, besides many other distinguished persons who might be cited as specimens of the "raw boys" for whom it was thought so impertinent to ask for a share in the representation of their country. He hoped he should have the support of the great body of the Scottish Members when he brought forward his Motion; and he would venture to suggest to the Irish Members that they ought on that occasion to restrict their claim to one seat only, and to make up their minds among themselves as to where that seat should be.

COLONEL DUNNE said, he had given notice of a Motion for assigning two of the vacant seats to Ireland, and his hon. Friend the Member for Dungarvan (Mr. Maguire) had also given notice of a Motion for assigning two of the vacant seats to Dublin city and Cork county respectively. His hon. Friend the Member for Perthshire had urged them to be satisfied with one Member for Ireland, and as the Irish were always moderate, he should be content if they could get one seat from the Government. He did not see why the West Riding of Yorkshire or South Lancashire required additional Members; he had gone through the statistics of the Southern division of Lancashire and the county of Cork, and he should at a future stage state the grounds on which he considered that the latter had the stronger claim for one of these seats. Ireland was not properly represented in that House. He should not move the Amendment that stood in his name, that two of the seats be transferred to Ireland, but he should move, with the assent of his hon. Friend the Member for Dungarvan, that the county of Cork be substituted instead of the Southern division of Lancashire in this Bill.

SIR HENRY WILLOUGHBY said, he had had some experience in Reform discussions, for he had taken an active part when the measure of 1832 was under consideration, and he certainly could not congratulate the House on the prospect before them of entering into a controversy as to the merits of different constituencies. He thought that a course full of danger, and it was one which had always been systematically avoided. The composition of that House from its beginning had been of Members sent up by counties, cities, and boroughs, and the rule had always been that a borough should have a species of municipal government before it was made a Parliamentary constituency. It never could be the interest of that House to run one great community against another, and to compare the respective merits of England, Scotland, and Ireland. The wiser course would have been for the Constitutional advisers of the Crown, on their own responsibility, to say what places they thought should have the vacant seats; and submit their decision to the consideration of the House.

MR. WARNER said, there were two very important but distinct questions involved in the discussion. First, whether it was right at that time to fill up the vacant seats; and, secondly, if so, by what constituencies the seats were so to be filled up? He thought the noble Lord opposite (Earl Jermyn) had injured his case by overstating it. He had recommended the House not merely to abstain from filling up the seats but to restore them to Sudbury and St. Albans. They could not listen to the noble Lord's proposal to negative this Bill. Some more substantial grounds must be given for adopting such a course than any they had already heard. He (Mr. Warner) thought that the Government would act wisely by leaving the question of filling up the vacant seats in the hands of the House. Nothing could be more unfortunate than to treat it as a party question. The Government, dealing with it as a party question, had chosen the new seats very well; but what was more important was that each seat should have a character, an importance, and an individuality which should do honour to the representation. As an English Member, in no way whatever connected with Scotland, he would not resist the claims of the Scotch Universities, which he thought stronger than those of any of the important constituences which had yet been proposed. No one could regret more than he did the failure of the efforts of the Liberal party in the way of Reform, but he saw no early prospect of a better state of things. The Liberal party, once so strong, was now thoroughly disorganized. How far the noble Lord who was their recognized leader was responsible for such a result he would leave it to history to say. Seeing no hope of any substantial or useful Reform Bill, he should advise the House to avail itself of the present opportunity of obtaining the small increase to the representation that was offered it; and with that view he should support the Bill.

Question put, "That the words proposed to be left out stand part of the Question,"

The House *divided:*—Ayes 338; Noes 44: Majority 294.

Main Question put, and *agreed to.*

House in Committee.

Clause 1 (Additional Member for West Riding of Yorkshire and Southern Division of Lancashire),

Mr. COLLINS said, he hoped to satisfy the Committee that three, at all events out of the four, Members should be given to the county constituencies and two of these to the West Riding of Yorkshire. It seemed to be agreed that South Lancashire should have one, and, therefore, the addition to the West Riding must be at the expense of Birkenhead or Chelsea. He had his own opinion upon the subject, but he would not enter upon the question whether the Reform Bill of 1832 did or did not do justice to the counties as compared with the boroughs. The settlement then made had been accepted for the last thirty years, and it seemed very difficult to disturb it. He pledged himself to show that his proposals were in accordance with the spirit of that settlement, and that they founded on justice. To understand this matter thoroughly they must go back to the time of the Reform Bill, and they must look at the character of the constituencies of Sudbury and St. Albans, which had been disfranchised. The noble Lord introduced at that stormy period to which he had referred three larger measures of Reform. In many particulars they were the same. They had all a Schedule A, of boroughs wholly disfranchised; a Schedule B, of places partially disfranchised; a Schedule C, of places to return two Members; and a Schedule D, of towns to return one Member and of counties to return three and four Members. Disregarding prescriptive right, which was stronger than law and reason, the noble Lord attempted to diminish the number of Members in the House. His first Bill was lost on the Motion of General Gascoigne "that it was not expedient to diminish the number of Members for England and Wales;" and he could not help thinking that the right hon. Baronet the Member for Carlisle had the Motion of General Gascoigne in his eye when he gave notice of a Motion hostile to the representation of the Universities of Scotland. The second Bill of the noble Lord, which was lost in "another place," contained 23 fewer Members than those who under the old and under the present system had the honour of seats in this House. In the third Reform Bill the noble Lord proposed to fill up 23 vacancies by adding one to the counties and 22 to the boroughs. The noble Lord said he would not disturb the balance between town and country, and, therefore, would add 11 of the 22 seats to the larger boroughs, and 11 to the smaller boroughs which partook of the nature of county constituencies. The noble Lord called from the grave 11 boroughs which had been scheduled in the second Bill to return only one Member, and the Members who sat for those places might thank God that in those days there was a House of Lords. Thrice within twice thrice years he had heard proposals to disfranchise the town which he had the honour to represent (Knaresborough); but he hoped that his eyes would have become dim, his hair gray, and his voice began to fail before he had the pain again to listen to such a proposal. Sudbury was not one of the 11 larger boroughs, and was called back as a counterpoise to Brighton and Macclesfield, which received a double representation. Therefore if they gave the seats of Sudbury to Birkenhead or Chelsea they would upset the settlement of 1832, and re-open a question which, for the sake of the boroughs, had better be left alone. It might be said that, although Sudbury partook of the character of a county representation, that was not the case with St. Albans. But if hon. Members looked back to the debates of those days they would find that St. Albans was among the next half-dozen on the list for semi-disfranchisement; and, therefore, if they were to consider St. Albans as neither belonging to town or county. They would be dealing liberally by the large boroughs, if one of the seats of St. Albans was allotted to them, he hoped he had satisfied the Committee that three of these seats ought to fall to small boroughs like Sudbury and St. Albans, or, failing such places, to the counties. He had listened with attention to the speech of Mr. Sidney Herbert in 1859, when he pointed out that Members for small boroughs represented much larger bodies than the constituencies of the particular boroughs for which they sat; and he had also heard with satisfaction the statement of the right hon. Gentleman the Chancellor of the Exchequer on that occasion —that the distribution of seats was full one-half of a Reform Bill, and that they ought to look to the quality of the persons likely to be elected as well as to the quality of the electors. He was sure that no one could look at the front rows on both sides of the House without being convinced that these small boroughs formed a material element in a fair representation, and that complexity and diversity, not uniformity, should be the rule in any sound representative system, but he felt that it was hopeless to attempt to induce the House to allot these four seats to boroughs of an analogous character, but that being out of the question, it was manifest that if they took as the basis of legislation the Act of 1832, they must give them to the counties. The next question was what counties were best entitled to the seats. The bases of the Act of 1832 were taxation, population, number of electors, and geographical area, and taking those points as guides, the West Riding was clearly entitled in future to send four Knights of the Shire to Parliament. The number of counties to which four Members were assigned by the Act of 1832 was 26; and the choice was said to have been made according to taxation, population, voters, and geographical area. On the question of taxation, he drew a broad line of demarcation between the annual value in connection with counties and the annual value in connection with boroughs, because the county representation was essentially one of property, and the borough representation was essentially one of occupation. The county Member in a rough way represented the property of his county—not so the borough Member. If the rate-book were really made the register, and votes given in accordance with the amount of rates paid, then taxation and representation might justly be said to go together. But the real fact was that in too many boroughs the power to pay and the power to impose taxation bore no relation whatever the one to the other. The net annual value of rental in the West Riding was greater than in any of other 26 counties which by the Act of 1832 returned four Members, with the single exception of Lancashire. North and South Lancashire gave a return of £4,500,000, the West Riding £3,126,000, and Kent, the next on the list, only £2,310,000. On the ground of population the West Riding was also entitled to increased representation. Exclusive of the represented boroughs, Lancashire contained a population of 817,000, the West Riding 794,000, and Kent, which returned four Members, had a population of only 485,000. The West Riding contained more than twice the population of the other counties with four Members. In geographical area the West Riding as compared with the other counties stood second on the list. Lincolnshire contained 1,779,000 acres, the West Riding 1,750,000, and Devonshire 1,600,000. The West Riding contained double the number of acres of more than half the counties with four Members. While second, therefore, in respect of area population, and taxation, the West Riding stood first in respect of the number of electors, for although returning only two Members it contained more than any single county constituency with four Members. By the return of 1859, the West Riding had a constituency of 36,645 electors, and the number had since risen to about 40,000. In Lancashire which returned four Members the number of electors was only 31,000. Out of the 26 counties he had mentioned, 16 had not a half, and most of them had not a quarter, of the number of electors in the West Riding. On what ground, then, could the West Riding be refused an equal representation with those 26 counties? It might be said that the West Riding ought to be content because there were so many represented boroughs within its borders. The fact was, that with a total population by the census of 1851 of 1,300,000, the West Riding returned only 18 county and borough Members altogether. That was a body of population which was more inadequately represented than that of any other part of England, or even of Scotland or Ireland. The reason why the West Riding did not receive a larger share in the representation in 1832 might perhaps have been that the claims of the district were not sufficiently brought before Parliament. In the vernacular of Yorkshire, the Bill was brought in by a south countryman a "foreigner." Sheffield, Leeds, Halifax, Wakefield, and other towns were then for the first time enfranchised; and Knaresborough, Ripon, and Pontefract were under the control of family influence, and the Members for those places no more represented the people of the West Riding than they did the palace at Chatsworth. The borough he had now the honour to represent was then the appanage of the ducal house of Devonshire, to whose credit, however, it ought to be mentioned that they did not put it up to auction or reserve it for members of their own family. The last three Members returned for that borough while it was in the hands of that House were Sir James Mackintosh, Mr. Tierney, and Lord Brougham; and, while he had a high appreciation of the wisdom with which that constituency had of late years chosen a representative, he doubted whether they would be able for many years to come to find three such eminent men to represent them. Still in no peculiar sense could such men be said to represent the West Riding. There was not a more industrious, thriving, intelligent, or loyal population than that of the West Riding, and on every ground they were entitled to the increase of members which he claimed for them. The fact that it was in name only a division of a county ought not to interfere with its claims, for, to all intents and purposes, it was a separate unity. The West Riding was not like the divisions of counties, such as Cork in Ireland, a geographical expression. Yorkshire had its three Lord Lieutenants, estimable Whig noblemen—with three benches of magistrates and three commissions of deputy lieutenants. In the matter of taxation, the North, East, and West Ridings, had each their three separate county rates, and, except for the accident of having one sheriff, the West Riding was as distinct from the North or East Ridings as from Lancashire or Durham, and being a separate unity ought to have been so treated in the Act of 1832. Having made this point that the West Riding of Yorkshire ought to return four Knights of the Shire, there remains the question whether it should return four as a unity, or should be divided like all other counties into two divisions, each divisions returning two Members; and whether the unity of the West Riding should be preserved was a question which should be decided on Imperial rather than local considerations. It was true that there existed among the town freeholders of the West Riding a wish that the unity of the riding should be preserved; but there were 800,000 unrepresented persons living outside the towns who were equally anxious that it should be divided, This rural population, numbering 800,000. even giving them the benefit of Knaresborough and Ripon, returned only six Members to Parliament, while the populations of the boroughs—Leeds, Sheffield, Huddersfield, Halifax, Wakefield, Bradford, and Pontefract—amounting to only about half a million, returned 12. Among the rural population there were 40,000 electors, while in the towns there were only 21,000; thus, while the borough population had a Member for every 1,800 electors, the rural population had only one for every 6,000 or 7,000 electors. Under these circumstances it was hardly fair that the town populations should not only insist upon retaining the preponderance of representation which they at present enjoyed, but should also demand to be allowed to manage the affairs of the rural population. The noble Lord the Member for the City of London in his first Reform Bill had proposed to disfranchise the town freeholders in new boroughs on the ground that when he gave them specific representation of their own they ought not to interfere with the wishes of the rural population; their conduct, therefore, on this head could but meet with reprobation from the noble Lord. That this was the feeling outside the town populations did not admit of doubt. Last year the magistrates held a meeting which was convened by a circular issued by the deputy clerk of the peace, to consider whether it was desirable that the West Riding should be separated into two divisions, and a resolution was proposed that it was the opinion of the meeting that the riding should be separated into two divisions, to be called the north and south divisions, to which an amendment was proposed to the effect that it was inexpedient for the magistrates as magistrates to express an opinion on the subject. This amendment was lost by 17 to 46; the dissentient magistrates then left the room, and the original resolution was thereupon carried by the magistrates who remained. He thought he had shown that, as to the local question, the majority were in favour of the riding being divided. The question which it was more important to consider, however, was the bearing of this matter upon the interests of the empire at large. The general desirability of dividing large counties was one of the few subjects upon which the late Sir Robert Peel and the noble Lord the Member for the City of London were agreed at the time of the Reform Bill. Why, then, should not the West Riding of Yorkshire be divided in accordance with the wish of the rural inhabitants? Mr. Mill, in his

Essay on Representative Government, said that it was important that minorities should be heard in that House. Now, but for the accident that they had found a representative in the hon Baronet who sat for the county (Sir John Ramsden), who was not elected by them, the Conservatives of the West Riding would be entirely unrepresented. There were, however, among the Conservatives 13,500 electors, or more than the whole number of Liberal electors, who in the boroughs returned 12 Members. It was not right that so large a number of persons should be without a Member to represent them. The legal expenses on each side of contesting the West Riding were not under £15,000, and there were other expenses, not defrayed in the ordinary course, which left the actual amount little short of £20,000. What might be done on the Liberal side he could not say, but the expenses of the Conservative candidate at the last election were defrayed by public subscription. But it was too much to suppose that even the patriotism or the love of fighting which prevailed among Yorkshiremen would induce them to subscribe as liberally every time it pleased the noble Lord at the head of the Government to dissolve Parliament; and, therefore, practically the representation of the West Riding would be left in the hands of a few wealthy men—an arrangement which did not seem to him desirable on public grounds. Having made out a strong case for the four Members and for the division of the country, he next came to the question as to how it should be divided. Two proposals had been made for dividing the West Riding, the one by Lord Derby's Government in 1852; the other by Lord Aberdeen in 1854, both of them fair enough, but he preferred not from any fear of the supposition of being influenced by party motives, but because it was more in accordance with old local boundaries, to adopt the line of demarcation marked out in the Bill proposed by the noble Lord the Member for the City of London in 1854. It was a painful thing that the change which he desired could not be made without damaging somebody else, and he wished there were more seats to be disposed of. It would be unjust totally to disfranchise boroughs like Wakefield and Gloucester, because the balance between counties and boroughs as settled in 1832 would thereby be destroyed; but if only one Member were left to each of those boroughs they would still be in as good a position as Birkenhead. Taking a lesson from the course pursued by the right hon. Gentleman the Chancellor of the Exchequer it might be desirable to embody in the same Bill proposals for the disfranchisement of one place and the enfranchisement of another. Coming then to Chelsea and Kensington they were not entitled either by population or wealth to the increased representation which it was proposed to confer on them. They had already no less than 1,500 votes in the county of Middlesex, which was as large a proportion as Yorkshire would have if divided as he proposed. The noble Lord the Member for the City of London objected to the disfranchisement of voters contemplated by the Bill of the Earl of Derby, and stated, and truly stated, how electors were in the habit of placing a higher value on a county than a borough vote; and, surely, if this was the case anywhere it was so in Middlesex. But if Chelsea and Kensington were created into a borough, 726 occupiers of mansions in Belgravia, with a £50 qualification, would be disfranchised in the county of Middlesex, while they would be swamped in the borough representation by the number of small houses. To support his Motion he had no party such as the Irish or Scotch Members; but "Thrice armed is he who hath his quarrel just," and he trusted entirely to the fairness and justice of the House, which in the end would never fail. He had no wish, in moving the postponement of the clause, to do anything hostile to the Government. He only asked them, having done the best they could for Chelsea and Kensington, and having failed, and fail they would, to fall back on their own proposition, made in 1854, which gave two Members to the West Riding. He had no personal antipathy to metropolitan Members, who were often spoken of in that House as if they were a distinct species, though, in point of fact, he saw before him several of them who had previously represented other constituencies. But he objected to the scheme for giving a separate representation to Chelsea and Kensington, because he believed he had made out a stronger case. He thanked the House for the hearing which they had granted him, and he thanked them the more because he was not always tolerant of other people's speeches; for, not being in the habit of making speeches in order that his constituents or his wife might read them the next morning in the newspapers, he had little sympathy with hon. Members who did so. He begged to move that the clause be postponed.

Sir GEORGE LEWIS did not think the hon. Member for Knaresborough had shown grounds for his Amendment. If the hon. Gentleman wished to propose that a second Member should be given to the West Riding, he might have made a Motion to that effect, and if the House had decided on giving the West Riding two Members, the propositions contained in the Bill might have been modified in such a manner as would give effect to that decision. He did not think, therefore, that the hon. and learned Member had shown any reason for a departure from the ordinary course, which was to take this clause in its order. Coming to the question raised by the hon. and learned Gentleman, he must remind hon. Members that they had to deal with a limited number of seats. There was no proposal for a further disfranchisement. The one they had to consider was for the distribution of four seats, which, in consequence of former disfranchisement, were now at the disposal of the House. If the Government had not brought forward a proposal for disposing of those seats it was certain the question would have been raised by independent Members. Two had given notices on the subject—his hon. Friend the Chairman of Ways and Means with respect to the borough of Salford, and his noble Friend the Member for Middlesex with respect to Chelsea and Kensington. It, therefore, appeared to the Government that it was better for them to propose a scheme dealing with the four seats in one Bill. The seats which had been forfeited were four borough seats, and some hon. Members thought they ought to be redistributed to boroughs; but the Government considered the fairest arrangement to be that by which two of them should be given to counties and two to boroughs. The hon. and learned Gentleman proposed to disturb that proposal and to give three seats to counties and only one to a borough. The Government objected to such an alteration. He was aware that on a subject of this kind all professions of impartiality and absence from political feeling were received with great incredulity; but, notwithstanding that, he must assert with sincerity that in making this proposal Her Majesty's Government were not actuated by party feeling. He thought the House might be disposed to give more credit than was usually accorded to such assertions when he alluded to the four places *seriatim*. With respect to the West Riding it was a matter of notoriety that Members of different political opinions had represented it within a limited time, which showed that the political interests of the West Riding were not far from being evenly balanced. The same division of interests prevaled also in South Lancashire. As to Birkenhead, they could only judge of what would be the position of parties there from their position in Liverpool, of which it might be considered a suburb; and it was well known that in Liverpool the two great parties into which this country was divided had in recent times alternately triumphed, and in Liverpool political opinions were balanced. With respect to the proposed metropolitan borough, they knew that the metropolitan boroughs occasionally returned Members who were not very strong in their adhesion to political party; and, therefore, there was no ground for supposing that the Government made these proposals with any party feeling. The hon. and learned Gentleman had stated that the claims of the West Riding would be disregarded, and a gross injustice done to it, if his proposal for giving it two additional Members were not agreed to it. He did not think that the hon. and learned Gentleman was entitled to hold that language. The Government had but a small balance in bank to draw on; and if one-fourth of all in their possession was given to the West Riding, he did not think that the constituency of that portion of the empire would have any cause of complaint. If two Members were given to the West Riding, South Lancashire might consider itself entitled to two additional Members; for, while according to the census of 1851 the total population of the West Riding was 1,315,000, that of South Lancashire was 1,570,000. He hoped, therefore, that the House would concur with him in thinking that the Amendment of the hon. and learned Member was one to which they ought not to give their assent.

Lord JOHN MANNERS said, that the right hon. Gentleman had spent some little time in defending what certainly he (Lord John Manners) did not mean to impugn, and what he did not understand his hon. and learned Friend the Member for Knaresborough, in his singularly able statement, to impugn—namely, the impartiality of the motives of the Government in their proposed disposal of these four seats; but the right hon. Gentleman had not said one single word in regard to the principle on which the proposal to add to what was called "the Unicorn" representation was founded. In 1832 an arrangement was adopted by which a certain number of counties—seven in number—which were considered so small as to make such a plan desirable, were to have three Members. It was now proposed to give three Members to the West Riding and South Lancashire because they were so large. He could not think that a good reason for the extension of that anomalous system of representation. A temporary inconvenience in the case of the West Riding, or of any other part of the empire, was as nothing compared with the enormous mischief that would arise from the establishment of the system of giving three Members to a vast constituency. The great mischief now felt was the enormous expense and the frightful tear and wear which those were subjected to who wished to represent large masses of electors. The same evil was very strongly felt on the other side of the Atlantic, and the consequence was that the best men of America were driven into private life. The evil was year after year growing in this country, and he contended that it was the height of madness in any of their measures of Reform to take a course that would rather aggravate than diminish it. His hon. Friend had pointed out the enormous population of the West Riding, and the expense incurred in contesting it, which placed the representation beyond the reach of those possessed of ordinary means. The practical remedy would be to diminish the area by dividing the riding, and so bring the population within the reach of country gentlemen of ordinary means who wished to represent the two divisions. Was it a movement in a Liberal direction to place the West Riding in such a position that no one but a millionaire, or a person supplied by his friends with the wealth of a millionaire for the time being, could pretend to represent it? Was it for the interest of the Liberal party that none but men of immense wealth should represent certain constituencies? The right hon. Gentleman said that if the West Riding of Yorkshire were divided a similar claim would be put in for South Lancashire, but the fact was that the population of South Lancashire in 1851, excluding those who were represented in the boroughs, was only 500,000 while the population of the West Riding was then 794,000. At this moment the rural population of the West Riding was 894,000, so that in respect of population the West Riding had a decided claim of precedence over South Lancashire. But there ought, he admitted, to be no difference in dealing with the claims of the two counties. The Committee ought to deal at present with the constituency that was admitted to have the strongest claim—namely, the West Riding; and, if the prospects held out of a speedy reconstruction of our representative system were to be realized, South Lancashire would only have to wait a short time to be dealt with in the same intelligible and satisfactory manner. He, therefore, called on the Committee not to settle the question with a regard to mere temporary convenience, but to take a wider and more comprehensive view of the subject, and to give it an intelligent and principled decision.

Mr. THOMPSON said, he would not dispute the statistics of the hon. Member for Knaresborough, but would observe that, admitting them to be correct, and assuming that there ought to be two additional Members given to the West Riding, it was not necessary to divide the riding into two. There was a strong feeling in the West Riding itself against such a division. The feeling was even against two additional seats if accompanied by a division. A very large portion of the population of the West Riding was contained in the villages and small towns, and it was that portion which distinguished the constituency so much from that of other places. To divide the West Riding would be to take away one of those leading features of the representation of the country which it was desirable to preserve. If the West Riding were divided it would no longer be a leading constituency; and one consequence of that would be that it would not have that weight with the country which the decisions of an enormous undivided constituency were known to possess. The decision of such a constituency at a general election gave an impetus to a cause that the decisions of half a dozen small boroughs could never exert. If they divided the West Riding they would lose altogether the massive character of that great constituency; and he could not help thinking it most desirable to have the opportunity of consulting large masses of the people when some great question of civil or religious liberty was at stake, which would, as on previous occasions, go far to decide it at once and for ever. The hon. Member for Knaresborough stated that at a meeting of magistrates of the West Riding, called to consider this question, two-thirds of those present were in favour of dividing the constituency. He did not question that it was so. At the same time, it must be recollected that those who attended that meeting formed a very small minority of the magistrates of the West Riding. The great argument in favour of division was the expenses necessarily attending elections in all large constituencies. He was quite aware of that expense. At the last election for the West Riding the strictly legal expenses of both sides amounted to not less than £30,000. That was a great evil, undoubtedly, though perhaps, under the existing code of election law, it was unavoidable; but when an evil reached a certain magnitude it often found a cure. Many ways suggested themselves by which the two parties might come to some agreement, and whereby a portion of the legal expenses could be saved. The great advantages, however, arising from the declaration of public opinion on matters of wide political interest by a large constituency more than counterbalanced the evils; and especially as there was a strong feeling in the West Riding that the constituency should not be divided, he should vote against the Motion of the hon. Member for Knaresborough.

Colonel SMYTH said, he did not rise to prolong the discussion further than to state that he believed that there was a very general opinion amongst all classes of electors in favour of the division of the West Riding, which had become almost unmanageable for election purposes. The hon. Member for Whitby (Mr. Thompson), he believed, was Chairman of the Liberal Association of the West Riding. At the same time, he did not impute to him any political motive in opposing the division, for he did not think that would change the representation in any way. But, no doubt, he spoke as the organ of Leeds on this occasion. The hon. Member for Knaresborough had gone into the whole question so fully that he did not think it necessary to follow him; but he honestly believed that there was a feeling on the part of the West Riding that it should be divided into two parts. It was not for him to say what that division should be, but if the Committee thought it desirable to divide the constituency he was quite sure they would not be acting contrary to their wishes.

Mr. BAINES said, he felt bound to confirm the opinion expressed by the hon. Member for Whitby (Mr. Thompson), and the fact which had been alluded to of his hon. Friend being Chairman of the Liberal Association of the West Riding gave great weight to that opinion. The Liberal party generally were in favour of the maintenance of the West Riding as a distinct unity. They did not wish for a division. It was not a Leeds question. It was felt to be as important in the remote parts of Saddleworth as in Leeds. He admitted that the Conservatives were much more in favour of division than the Liberal party; but, so far as he ever heard, a very large majority of the Liberal electors of the West Riding were in favour of maintaining that great constituency, of which they were proud, in its undivided state. The hon. Member for Knaresborough appeared to consider that the West Riding was entitled to have two Members added to its representation, and that the Metropolis should have none. If the question were to be argued upon the principle of equal electoral districts, a great deal, undoubtedly, might be said in favour of the proposition, but he apprehended that the hon. Member was about the last man in the House who would argue the question upon that principle, as it would have the effect of entirely and immediately annihilating the borough he represented. The hon. Member in arguing upon arithmetical grounds was distinctly condemned by his own figures. The population of the West Riding was 1,500,000, whilst that of the Metropolis was 2,800,000. But they had eighteen Members each, including county and borough representatives. And yet his hon. Friend came forward on the arithmetical principle and claimed two out of the four seats for the West Riding, alleging that the Metropolis should have none. He (Mr. Baines) had not the least objection to the West Riding having two additional Members in any comprehensive measure involving a general redistribution of seats, but if it claimed two out of the four seats now in question, South Lancashire certainly had an equal claim to the other two, and then the boroughs which the Government proposed to enfranchise would be entirely excluded, and the four borough seats would be apportioned to counties. When two boroughs were to be disfranchised, the hon. Member for Knaresborough claimed the representatives for the counties. Such a proposal he thought distinctly opposed to constitutional principles. The proposal of the Government was a very fair and equitable one. He should be inclined strictly and literally to claim the whole four Members for boroughs, but on the principle adopted generally by our leading statesmen of late he was disposed to consider that in cases of this sort something like an equal distribution should take place between the county and borough constituencies. It was said that the division of the West Riding would diminish the expense of elections. It must be remembered that the railways, telegraphs, and additional polling places had much increased the facilities of giving votes at county elections. So that whether they looked at the candidates or the voters, the labour and trouble were infinitely less than they used to be. The proposal of the hon. Member for Knaresborough seemed to him altogether unreasonable, and he should vote against it.

Mr. W. E. DUNCOMBE said, he thought that his hon. Friend (Mr. Collins) had abundantly proved that alike in respect to property, area, and population, the West Riding was entitled to two additional Members; and neither the hon. Member for Whitby nor the hon. Member for Leeds would object to giving additional Members, but they objected to its division. From the representations made to him from various quarters he believed that a strong feeling existed in the West Riding on the subject. Although the polling places were numerous, the expense of bringing up voters and paying the large number of polling clerks, &c., was so great that it became almost impossible to find gentlemen who would face such an expenditure. After the various measures adopted by Parliament for diminishing the expenses of elections, it would be inconsistent if they did not avail themselves of the present opportunity of remedying so large an expenditure. The expenses of the elections for the county of York had been perfectly fabulous in past times before it was divided; the contested election for 1806 having cost the representatives and candidates £100,000 a piece. A much more moderate expenditure now prevailed, but, considering the number of boroughs represented in the West Riding and the number of freeholders resident in the boroughs who had votes for the West Riding, it was no exaggeration to say that the rural population were not at present adequately represented. This was not a matter of party, but of justice, and he would appeal to hon. Members on the Ministerial benches whether they wished that the agricultural interest should not have a fair representation? He should give his cordial assent to the motion of his hon. Friend.

Mr. DENT said, there could be no question that it was the desire of the town population that the West Riding should be united in the representation. On the other hand, the feeling in the rural districts of the West Riding was that the influence of the town population unduly predominated. As every interest ought to be represented in that House, and as it was desirable to diminish the expense of elections, he should support the Motion of the hon. Member for Knaresborough.

Mr. BEECROFT said, that after the long and able speech of his hon. Friend the Member for Knaresborough, he would not attempt to enter at any length into the question, but there was one point the hon. and learned Member had accidentally omitted. He had not stated where was to be the place for holding the election, either for the northern or southern division. He (Mr. Beecroft), therefore, begged to give notice that in the event of the Motion being adopted he would move to insert in the schedule that Leeds be the place for holding the election for the northern division, and he did this the more readily as he should not like to steal a march upon Wakefield, in her present widowed condition, but Wakefield could still be left the place for holding the election for the southern division. He was surprised that his hon. Friend, who was so so well and so prominently known at Leeds should have neglected to put this in the schedule, and so have thrown upon him (Mr. Beecroft) the necessity of making up his deficiency. There was no town which could set up a claim equal to that of Leeds to be the place for holding the election. The claim of Leeds could on this occasion have no rival. The West Riding ought to return four Members and be divided as proposed. On behalf of his constituents, the people of Leeds, he begged to tender his thanks to the hon. Member for Knaresborough for the Motion he had made. He believed it would give them great satisfaction, as well as the electors in the northern division so proposed by him to be constituted. He had no hesitation in saying that in his opinion there was a general feeling that the West Riding ought to be divided into two divisions, and his opinion was supported not only on the ground of the lessening of the expense and inconvenience in elections, but on the still higher ground that the West Riding was entitled to this distinction by reason of its occupying the first rank among the English counties for territorial extent, wealth, and population.

SIR GEORGE LEWIS said, that so many great West Riding authorities were divided in their opinions that the question seemed to be one of some doubt and difficulty. The Government last Session in their Reform Bill proposed to give four Members to the West Riding without dividing it. The consequence was that many representations, some by deputation and others by memorial, were addressed to the Government on the subject of the division of the West Riding. He had, therefore, had an opportunity of hearing the subject fully discussed last year by those who were interested in it. The impression made upon his mind was that there was a great division of opinion on the subject, and that that division was not conterminous with party feeling. Persons belonging to both political parties were in favour, some of maintaining the West Riding in its integrity, and others of dividing it. His right hon Friend the Secretary of State for India, who was intimately connected with Yorkshire, did not urge the Government not to divide the West Riding. So far, indeed, as political objects were concerned, it might be thought that the Government would be inclined to a division of the county; but they decided in favour of what seemed to them to be the predominent feeling of the riding itself, without looking to political interests. If, therefore, any hon. Gentleman shall give his vote under the impression that the division of the riding would be acceptable to a majority of the people he certainly would give it under a mistake.

MR. NEWDEGATE said, it was well known that he had paid considerable attention to the question of county representation, and in what he was about to say he was not, of course, in any way influenced by the peculiarities of the case of the West Riding. The object ought to be to secure the return to the House of as large a number of independent Members as possible. Now, he had the honour of representing a very large county constituency, ramified among a population of about 400,000, and he must, therefore, be well aware of some of the inconveniences which must attend the representation of districts comprising such an exaggerated amount of population as the West Riding. An hon. Member had said that the people of that division prided themselves on being represented by two Members; but, according to that argument, the constituency ought to be offended at the offer of a third Member. What was the fact as to these large constituencies? Why, that they were really governed by very small bodies of organized politicians. It was impossible for these leviathan constituencies to act without organization, and, it was impossible for a candidate to start without very large funds. On that ground he objected to very large constituencies. What he said did not apply solely to the West Riding, but to all similar constituencies. The Committee ought not to lose sight of the fact that the county Members for England and Wales numbered only 159, though they represented the majority of the people, and by far the larger number of householders, as well as the freeholders in boroughs; besides which they represented the greater part of the real property of the country. Bearing in mind these facts he should be wanting to the convictions he entertained if he did not cordially support the Amendment of the Member for Knaresborough.

MR. HADFIELD said, that Yorkshire already returned six county Members, while Lancashire only returned four, and to give two additional Members to Yorkshire would increase the inequality.

Motion made, and Question put, "That Clause 1 be postponed."

The Committee *divided:*—Ayes 81; Noes 118: Majority 37.

MR. COLLINS said, he would then move to leave out the words "first of November," and to insert "from and after the passing of this Act." The object of his Amendment was this—the new register of votes would not come into operation till the 1st of December for the counties, and for the proposed boroughs no register would practically exist until that time. If it was desirable that the seats in question should be conferred on Yorkshire and Lancashire, he could see no good reason why the issue of the writs to fill up these seats should be suspended until November.

SIR GEORGE LEWIS replied, that if the Bill were not passed until the close of the Session, as would probably be the case, the consequence of acceding to the Amendment of the hon. and learned Gentleman would be that the new county elections in Yorkshire and Lancashire would take place during harvest time—a period which experience proved to be inconvenient for such purposes.

Amendment, by leave of the House, *withdrawn.*

COLONEL DUNNE said, that he proposed to leave out in Clause 1 the words "South Division of Lancashire," for the purpose of substituting other words which would have the effect of transferring one of the seats to a constituency in Ireland. He agreed with the hon. Gentleman who had just sat down that, whether the element of numbers or valuation were taken into consideration, the counties in England were inadequately represented as compared with the boroughs, there being only one Member for every 64,000 of the population in counties, while there was one for every 22,088 in boroughs. Every county Member, he might add, represented an average valuation of £380,906, as contrasted with £127,274, which was the sum represented by each Member for a borough. Again, in counties, there was but one Member to every 3,187 electors, while in boroughs there was one Member to every 127,274 electors. As these seats had been lost by corruption, he should propose the transference of one to a county in Ireland where there was less danger of corruption, and in which the manifest disproportion between the representation of counties and boroughs would be a little diminished, for the interests of Ireland were essentially agreed to. But it had been admitted both by the present Government and the preceding Government that Ireland was entitled to four additional seats. Since the Union, Ireland had obtained an increase of only five Members, though her population had increased by upwards of 2,000,000, while the increase of population in Scotland for the same time was only 1,000,000. Including the two divisions of Lancashire there were fifteen constituencies, and if they looked at these constituencies of those boroughs and of the county, they would find that Lancashire was represented in a way that no Irish county was represented, not even the enormous county of Cork, which was not much inferior in extent to Yorkshire. Lancashire had four Members to 31,000 electors, that was one Member to something like 8,000 electors—not to speak of the representatives of the fifteen boroughs, in which there was on an average about one Member to every 2,542 electors. In England, taking counties and boroughs, there was one Member to every 36,612 persons; but, in all Ireland the proportion was one Member to 65,034 inhabitants, and in Cork county it was only one to 275,926. As to valuation, no doubt Ireland could not be compared to England; but, admitting valuation to be a fair element in the consideration of the equalization of seats in the same country where the standard of wealth was the same, it was by no means a fair one between two countries such as Ireland and England, where the one was rich and the other poor. But the fact was that much as these elements were talked of in debate, even within England, they received very little practical attention. If they did, how was it to be explained that Wales had twenty-seven Members, while the population of that country was but 1,005,721, the electors 48,908, and the valuation but £3,988,378? Could any one argue that Cork was equally represented with Lancashire, and that it ought not obtain one of those seats? It might be said that those seats were English seats; but that argument, if good for anything, was good for repeal of the Union. Under existing circumstances, whenever the Irish Members directed their energies to advance the interests of their country they were accused of jobbing and corruption; and every aspersion was thrown upon them, although they only acted as they were bound to do, for the advantage of the country they represented. But he asked whether Irish Members had done anything which other Members would not do under similar circumstances, and whether some hon. Members opposite, if they had not got their subsidy in the shape of the paper duty, would not have been found to oppose the Government? In like manner the Irish Members were justified in opposing every measure of the Government until they got what they considered was due to their country. For these reasons he was anxious that the case of Ireland should be fairly considered. The Irish people had a right to a larger representation. They paid taxes far beyond what they got value for;

and at the present moment £11,000,000 were collected in Ireland, and not above £4,000,000 of that sum was spent there. Money had been voted for fortifications, but not one shilling was to be expended on fortifications in Ireland. The defence as well as the other interests of that country seemed totally neglected by the present Ministry, but he hoped Irish Members would insist on them. All that he proposed at present was that the words "the Southern Division of Lancashire" should be omitted from the clause, in order that subsequently some place in Ireland or in Scotland should be inserted in the Bill instead; for, after Ireland, he thought Scotland was the worst represented part of the kingdom.

Amendment proposed, in Clause 1, line 4, to leave out the words "and the Southern Division of Lancashire."

Sir GEORGE LEWIS said, that as the Motion before the Committee was to expunge the southern division of Lancashire from the Bill, and to substitute for it an additional Member for the county of Cork. The duty he had to perform in reference to the Motion of the hon. and gallant Gentleman was a disagreeable one, because comparisons were proverbially odious; but it was necessary that he should compare the claims of Ireland and Scotland with those of England. As these four seats were derived from English boroughs the Government, in considering the subject, were of opinion that in their redistribution they ought to be given to English counties and boroughs; but in coming to this conclusion they were not at all acted on by any narrow national feelings or prejudices. If they had been proposing to Parliament any extensive redistribution of seats they might have considered the claims of Scotland and Ireland to an increase in the number of their representatives, but as they were merely dealing with these four English seats they did not think it right to disturb the relative proportion of the representation of the three kingdoms as settled at the time of the Reform Bill. On reflection the Committee, he thought, would come to the conclusion that that was a fair and equitable view to take, and it would, therefore, be his duty to oppose the Motion of the hon. and gallant Member. With regard to the particular county for which the hon. Gentleman wished to substitute the county of Cork, it appeared from the last census that its population was now 2,428,000, and South Lancashire was known to be the most populous division, having an increase of 397,000 since the last census. The Metropolitan County, including the Metropolis, was only 2,200,000.

Mr. POLLARD-URQUHART said, that after having heard so often that an Irish county was just as much a part of the United Kingdom as an English county he certainly was surprised that the right hon. Gentleman should see any more objection to transferring a seat from a Suffolk or Hertfordshire borough to an Irish county than to an English county. He thought that the Government had adopted a wise and equitable course in endeavouring to effect Parliamentary Reform piecemeal, because the experience of last Session had shown that the feeling in the country upon the subject was not such as would enable the Government to carry a comprehensive measure. The inhabitants of the Metropolis and of South Lancashire would have very little difficulty in making their wants and their grievances known at head quarters even without any increase in their representatives, but the outlying and distant portions of the kingdom did not possess the same qualities, and in a Bill professing to remove the anomalies in our present system that ought to be remedied. It was admitted by impartial judges that Ireland had a claim to an increase in the number of her representatives, on the ground of her population, and the right hon. Gentleman the Member for Calne, in a speech to his former constituents at Kidderminster, urged against a sweeping Reform Bill that Ireland, on the argument of numbers, would be entitled to 150 Members or more. The representatives of Ireland were charged with acting generally rather as provincial delegates than as Imperial Members. If that were true, the arguments used that evening by the right hon. Baronet the Home Secretary would certainly justify such a course. The Committee should recollect that the religion of the great majority of the people of Ireland was Roman Catholic, and there was no chance of that religion being represented in that House except through Ireland. Moreover, when it was remembered that Sir Robert Peel, Mr. Ricardo, Sir Henry Parnell, and Mr. Joseph Hume, had had seats in that House for Ireland, it was not fair that any taunts of provincialism should be cast in their teeth when they asked for a fair representation of the country. He had been very much struck by seeing the same argument repeated in an article in *The Times*. It was said that the moment an Irish Member entered the House he ought to consider himself an Imperial Member, and in pursuance of that principle, he asked the Government to do justice to Ireland by treating the representatives of Ireland as part and parcel of the United Kingdom.

Colonel WILSON PATTEN would not enter into the very large question of the merits of Ireland as contrasted with the merits of England, as he only wished to deal with the Amendment. His hon. and gallant Friend had attempted to support the Amendment by most extraordinary arguments. His principal reason for taking away the additional Member from South Lancashire and giving it to an Irish constituency was that five seats only had been given to the sister kingdom since the Union. But the Committee should remember that the population of England had increased threefold in proportion to the increase of population in Ireland, and that the five seats given to Ireland had been taken from English constituencies. The hon. and gallant Member was too prudent to risk his Amendment by accompanying it with a specific proposition; but he said, suppose another Member were given to the county of Cork, there were 15,000 voters in that county, and they had only two representatives. The south division of Lancashire had 20,000 voters, and whether they took population, rating, property, or any other test, the claim of Lancashire was undeniable. He did not know that he was quite representing the feelings of his constituents in not asking for more seats for the county. The claim of Burnley had been admitted in every Reform Bill, and Salford had also a very strong claim for an additional Member. He hoped, therefore, that Her Majesty's Government would not yield to the Amendment and disappoint the just expectations of the county of Lancaster.

Mr. VINCENT SCULLY said, he could not undertake to controvert the proposition of his hon. and gallant Friend that Cork was the least represented of all the counties in Ireland. He wished it to be understood that if it were decided to retain the word Lancashire, Ireland would not be precluded from claiming the other seats. They had already decided in favour of the West Riding of Yorkshire — a county which he had before complimented by calling it the Corkshire of England. If they decided in favour of South Lancashire they would be giving additional Members to the two largest English counties, and there would be two precedents for giving an additional Member to the largest Irish county. He concurred in thinking it extremely impolitic in the right hon. Gentleman the Home Secretary to draw such a strong line of demarcation between England and Ireland. They were constantly told that they were one and the same nation and one and the same kingdom. They had the same interests and the same taxation. Ireland was now subject to the income tax, and he voted for that measure mainly with the object of recognizing their unity. But this Bill was framed upon the principle of there being three separate kingdoms, and the proposed distribution of seats was only defended upon that ground. He had never attacked the Act of Union. Whether right or wrong, he had treated it as an accomplished fact. But still they could not forget how the bargain was made—how the owners of seats were bribed by £5,000, £10,000, or £15,000 to sell their country, and how some of them had said they were very glad that they had a country to sell. In his opinion an additional colleague was only an additional source of trouble and annoyance. It was difficult to take care of one's own seat, but it was infinitely more so to look after a colleague and see that he behaved properly. He was, therefore, disinterested in demanding another Member for Cork. To show the way in which the question was treated out of doors, he quoted the following passage from an article in the leading organ of the Government and of public opinion—*The Times*—

> "When Mr. Vincent Scully reserves his protestation on behalf of Ireland it is only to prevent a bad precedent of allowing an opportunity for asking to escape. As to decreasing the representation of England for the purpose of adding to that of Ireland or Scotland the proposition is an impertinence. The matter was solemnly settled by the Acts of Union with both countries, and were it not for those Acts of Union it would have been long since agitated in England that the representation of both those parts of the kingdom is excessive."

Of course the English Members were in the majority, and could decide, if they pleased, that Ireland was to be treated in the same way as England as regarded taxation, and in a different way in regard to representation. He protested against the Irish being made the hewers of wood and drawers of water, and being then denied all share in the good things which Government had to dispense. None of his countrymen were admitted to the Cabinet who would not consent to be by turns an occasional Englishman and an occasional Irishman, as it suited his purpose. He hoped that the present opportunity would not be lost of doing what had been acknowledged to be an act of justice both by the present and late Government in their respective Reform Bills.

SIR EDWARD COLEBROOKE said, he certainly objected to the line of defence adopted by the right hon. Gentleman the Home Secretary in the present discussion. If his language were to stand, it appeared to him that neither Ireland nor Scotland could ever establish a claim to any additional representatives, however many might be the seats to be distributed. To such language he should enter his protest. If he thought such a principle influenced the Government he would certainly oppose this Bill at every stage. No doubt, Lancashire had very strong claims; but Lanarkshire, whether as regarded numbers, property, or rating, stood higher than any other part of the country. The population of Lanarkshire, including Glasgow, was 630,000, and it had only three Members and part of a fourth.

LORD JOHN MANNERS said, he was astonished at the extreme jealousy of discussion manifested by the other side of the House, considered that the measure before them was, after all, the great Reform Bill of the great Reform party. He had always thought it most unfortunate that such a measure should have been introduced to bring out all those differences of opinion between the various quarters of the United Kingdom which had been displayed that evening. He was not disposed to vote in favour of giving a Member to Ireland, to Scotland, or any other particular part of the kingdom; but he should act upon the consideration that he had referred to in an early part of the evening. He did not think it would be any boon to the people of Lancashire to give them an additional Member; for his part he thought that they did not desire it. He should not, did he belong to that constituency; and for that reason, and that alone, he should vote for the Amendment of the hon. Member for Queen's County, which was simply to strike out Lancashire. In voting for that he did not desire to express himself in favour of any place, but simply to save Lancashire from what he thought was an insult.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 228; Noes 67: Majority 161.

COLONEL KNOX said, he wished to call the Chairman's attention to the fact that the division bell had not been rung as usual, and that, in consequence, some hon. Gentlemen in other parts of the House were unaware that any division was about to take place.

THE CHAIRMAN said, he was not aware that the usual practice had been departed from, but he would cause inquiry to be made on the subject.

MR. BAZLEY said, that as the hon. Member for Salford (Mr. Massey) occupied the chair it devolved upon him to move that an additional Member be granted to that borough. Salford now contained 105,000 inhabitants, and within its boundaries there was, perhaps, a greater variety of industry than even in Manchester. Six hundred years ago the town had received a charter from Henry III., and it, therefore, had the claim of antiquity as well as of modern progress. If there were an equitable representation of Lancashire, that county, instead of having twenty-six Members, would have fifty-four, and, therefore, in asking for only one additional representative, he thought he was showing great moderation. He moved at the end of Clause 1 to add "and the borough of Salford, in the County Palatine of Lancaster, shall be entitled to return two Members instead of one Member to serve in Parliament."

SIR GEORGE LEWIS said, he hoped to be able to satify the Committee in a few words that the Motion of his hon. Friend ought not to be preferred to the proposal of the Government. He would admit that Salford was in population larger than any other borough which returned only one Member. But then Salford was virtually a part of Manchester, being continuous with that city, and forming really more a part of Manchester than Southwark did of London. Manchester, therefore, might be said to return three Members, and if the proposal were adopted it would return four, while Liverpool, a more populous town, returned but two. The Bill proposed to give a Member to South Lancashire, and the hon. Gentleman desired to give another to a borough in that division, in which case two out of the four seats would fall to the share of South Lancashire alone. Birkenhead might be said to stand in the same relation to Liverpool as Salford to Manchester, and if one of the vacant seats were conferred on Birkenhead, the slight inequality which now existed between Liverpool and Manchester would then be redressed. He could not accede to the Motion.

MR. BAZLEY said, he would not press the Motion.

Motion, by leave, *withdrawn.*

Clause *agreed to.*

Clause 2 (Provision for Election of additional Member),

MR. COLLINS said, that after the decision upon the first clause he would not divide the House upon a proposal to omit the second; but it was his intention to move, at the proper opportunity, that the West Riding be divided into two electoral districts.

Clause 2 *agreed to.*

Clause 3 (Chelsea and Kensington to form a Borough to return One Member),

MR. KNIGHTLEY said, the proposed clause would practically disfranchise 1,200 persons who were voters for the county of Middlesex. The noble Lord the Member for the City of London, when the Earl of Derby's Reform Bill was under discussion, held that it was most unjustifiable to deprive freeholders of the right of voting in the counties where their property was situate, and that outcry rang far and wide upon the hustings. If it were unjust to disfranchise one class, it must be equally so to deprive another of its present rights, which the measure not only did, but introduced an invidious distinction between the owners of freehold, leasehold, and copyhold property, disfranchising one and not the other. On the general question of giving a Member to Chelsea and Kensington, he did not see why persons living in the purlieus of a great town should enjoy peculiar facilities beyond others scattered over the country. Dealing, as they were, not with vested rights, but with new constituencies, they were bound to proceed on some more equitable principle than was laid down in the Bill. There was no reason that he could see why a licensed victualler residing at Kensington, in a house worth £12 a year, should have two votes, while his next door neighbour at Hammersmith had only one. He, therefore, proposed to omit the words "Chelsea and Kensington," leaving the question of the appropriation of seats to be afterwards determined.

Amendment proposed, in Clause 3, line 29, to leave out the words "parishes of Chelsea and Kensington, in the,"

SIR GEORGE LEWIS:—The hon. Gentleman has adopted rather an unusual course with regard to this Amendment. He has not made any counter proposal, so as to enable the Committee to decide between it and that emanating from the Government. He has simply moved the omission of the words; and, therefore, anybody who, for any reason whatever, has any preference locally, or from some other cause, for any other borough than that of Chelsea or Kensington, would be disposed to vote for his Motion. That is hardly a fair way of putting the question to the Committee. If he said either that he was in favour of giving a Member to the Scotch Universities, to South Lancashire, to Salford, or to any of the other places which have been mentioned, the Committee would have a distinct issue before them; but now all that they are called on to say is whether, for any reason whatever, they prefer any seat whatever to the proposal of the Government? I do not mean to say there is anything irregular in such a course, but that is not the usual way of raising an issue. If, however, the Motion in that shape be persevered in, all that remains for me to do is to state affirmatively the reasons which induce the Government to think it a fair proposal that one of these vacant seats shall be given to the metropolis. This proposal was contained in the last two Reform Bills which were suggested to the House. [MR. DISRAELI: Not in the last two.] Well, the proposal to create a new metropolitan seat was certainly included in the Bill proposed last Session. However, I do not appeal to that as any conclusive precedent. [*Ironical cheering.*] Will hon. Gentlemen hear the rest of the sentence? I do not think that any conclusive precedent, because I can readily conceive that there might be persons who would be inclined to support the proposal for giving a Member to Chelsea and Kensington, in combination with other portions of a large scheme, who would not support that as an isolated measure. On account of the great increase of the Metropolis, the Government have certainly considered that it is entitled to an additional Member. The population of the Metropolis within the limits of the Local Government Act in 1851 was 2,362,000. According to the census just taken it is 2,803,000, showing an increase within the last ten years of no less than 440,000. The Committee cannot overlook the importance of this great increase. The entire population of Liverpool is only 269,000; of Manchester, 243,000; and of Birmingham, 112,000. So enormous, therefore, has been the increase of the Metropolis during the last ten years that that increase actually exceeds the populations of Manchester and Birmingham added together.

MR. DISRAELI: There must be some mistake about the populations of Manchester and Liverpool. They are clearly wrong. That of Birmingham is 212,000.

SIR GEORGE LEWIS: The population of Manchester is 243,000, and of Birmingham 212,300. These added together would not be less, but would rather exceed the increase made by London during the last ten years. That increase is nearly equal to the population of some foreign cities, the capitals of Powers of first-rate magnitude. The population of Vienna, according to the Census of 1857, was 476,000; that of Berlin was 438,000, and of Madrid 475,000. [An hon. MEMBER: We have nothing to do with Madrid.] An hon. Gentleman says we have nothing to do with Madrid, or any foreign capital. In the strict sense I am quite aware that is so; but I think it a striking fact that the increase in the population of London in the period to which I have referred is actually greater than the entire population of some foreign capitals. With regard to the proposed new borough, the parish of Chelsea, according to the Census of 1851, had a population of 56,000, and according to the last census of 63,000, showing an increase of 7,000. The inhabitants of the parish of Kensington increased in the same period from 44,000 to 71,000, thus making in the combined parishes an increase of the population from 100,000 to 134,000. That property has increased in an even greater degree than population is a fact which must be patent to any one who observes the new streets which have been built. I do not think it would be possible to show any borough in the kingdom which has increased in so great a ratio, or which can show so large a population, as the proposed metropolitan borough. Looking at its connection with the Metropolis, and the great increase which that metropolis has undergone of late years, I certainly must say that I think the proposed borough has a strong claim.

MR. BENTINCK said, the right hon. Baronet had charged his hon. Friend with not making any counter proposal, but if he read the clause and the Amendments he would see that he had made such a proposal. His hon. Friend hit the right nail on the head when he asked on what ground congregated masses were to be entitled to the franchise, because that was the only point in the case. In defending the clause as it now stood, the right hon. Baronet brought forward no argument except the large increase in the population of Chelsea and Kensington. Therefore, they had a right to assume that he considered the question entirely as one of numbers. But the real difficulty of all Governments in dealing with the question of Reform was the injustice shown in the distribution of the representative power of the country, and until they grappled fairly and honestly with that difficulty they might in vain attempt to obtain any solution of the question. The rural districts were entitled to a larger share in the representation, and if they gave additional Members to the urban districts, they would only increase the glaring injustice which now existed. The metropolitan Members possessed at present, from their being generally in London, and from other circumstances, treble the amount of influence and weight of Members representing other constituencies, and they had, therefore, to be watched very closely. Openly or covertly they frequently sought to avail themselves of the imperial purse for the benefit of their own constituents, and it was difficult to resist those attempts. What would be the position of the House if the present dangerous number of these Members was increased? If the right hon. Gentleman the Home Secretary was prepared to adhere to the principle of numbers the rural districts of the country were entitled to any seats which might have to be distributed. He hoped the Committee would reject, by a large majority, the principle in the Bill.

VISCOUNT ENFIELD said, that he claimed the seat for Chelsea and Kensington on the ground of wealth and property as well as population. The estimated rental of the two parishes of Chelsea and Kensington was £657,820. The county assessment of the two localities amounted to £554,172. For property and income tax the two localities were assessed under Schedule A at £693,860, under Schedule B at £3,501, and under Schedule D at £342,413, making a total assessment for property and income tax of £1,039,774. He believed there were only fifteen of the represented boroughs that were rated at a higher value for the property and income tax on professions and trades, while there were 240 less, and there was not one of the unenfranchised boroughs that amounted to more than one half of what Chelsea and Kensington represented.

MR. DISRAELI: Before the Committee come to a division they ought to be satisfied as to the data on which the Government have founded their computations, and that they have given this subject all the consideration it so eminently deserves. Now, the ground on which this proposition is recommended to the Committee by the right hon. Gentleman is twofold. In the first place, he assured us that the principle has already received the assent of both sides of the House, since, he says, it was contained not only in the late Parliamentary Reform Bill, but in the Reform Bill introduced by the Government of the Earl of Derby. I took the liberty of correcting the right hon. Gentleman on the latter point; but still the fact remains that having been recommended as part of one measure of Reform is made a reason for the renewal of the proposition. But I now come to a much more important ground, on which the more mature opinion of the Cabinet appears to be founded; this is the great increase in the population of Kensington and Chelsea, compared with the increase of the population of the principal towns and cities of the kingdom. The right hon. Gentleman gave, not from memory—and, therefore, he cannot claim any indulgence on the score of the failure of a memory that, we know, very seldom errs—but, bringing down the papers on which the mature judgment of the Government is founded, he admitted us to a part of its confidence and stated the important facts on which the Government has arrived at its conclusion. He gave the numbers of the population of Liverpool, Manchester, and Birmingham, communities whose opinions have exercised great influence on modern legislation and on the fate of Ministries, and I was perfectly astonished while I listened to his statements on a subject on which I should think no Minister, and least of all Ministers the Secretary for the Home Department, could be in error. I endeavour to picture to my mind what will be the result of the last census should the returns of the population be similar to those cited by the right hon. Gentleman. He stated the population of Birmingham to be 112,000. I corrected him, and said it was more than 212,000. I was not trusting to memory, for, after the example of the right hon. Gentleman, I would not presume to speak from my own memory. I have referred to the official Return, and I find the population of Birmingham is little less than 300,000. The right hon. Gentleman stated the population of Liverpool to be 270,000. I was rather astonished to hear that. There must have been a great change in Liverpool if that be the case; and if that change should continue the results would be startling. Referring to the authentic record of the Returns made to Parliament, I find that the Parliamentary population of Liverpool is what I imagined—443,000.

SIR GEORGE LEWIS: I beg to explain. I find that there are two series of Returns. I only examined one to-day. There are the Parliamentary Boroughs Returns and the Returns of the Superintendent Registrars of Districts. I have copied the latter.

MR. DISRAELI: I have no doubt that the figures which the right hon. Gentleman has read to us are very accurately copied from the Returns which he consulted, but then the Returns have nothing to do with the subject. The names he has stated are certainly the same as those in the Parliamentary Returns, but the numbers are not the same numbers. I cannot understand from the explanation of the right hon. Gentleman that he has thrown much light on the point before us. The point before us is this:—We have an important proposition regarding the representation of the people, and we are told that it is founded on a calculation as to the relative proportion of the population in different parts of the United Kingdom. The right hon. Gentleman, in support of that calculation, refers us to a totally inaccurate statement; and it is really no excuse or explanation that the right hon. Gentleman, misled by names which [are the same as those in some other document, which document, however, does not refer to the point in question, should have offered to the House a totally inaccurate statement, and announced at the same time that the opinion of the Government upon the question was founded upon that statement. I must conclude this part by reminding the Committee that we are told, to the astonishment, I am sure, of both sides of the Committee, that the population of Manchester was 220,000 only, when I find it authentically recorded to be that which all of us must have recollected it to be, 357,000—*i. e.*, taking Parliamentary population. It appears to me, therefore, that so far as the right hon. Gentleman has answered the Amendment of my hon. Friend, the Member for Northamptonshire, his answer is of a highly unsatisfactory character. The right hon. Gentleman has answered the Amendment in what he has described as an affirmative manner—that is to say, no counter proposition, as he complains, having been made to that of the Government, he has laid before the Committee the grounds on which the Government arrived at the conclusion which they recommend us to ratify. Then, Sir, I assert that both those grounds are futile and unsatisfactory. It is not a fact that the late Government proposed that the population of Chelsea and Kensington should be formed into a Parliamentary borough. And the inference which the right hon. Gentleman draws from that is quite erroneous, and ought not in any way to be sanctioned by the Committee, and especially by hon. Gentlemen on this side. The conclusion which the right hon. Gentleman has drawn from the positive increase in the population of Chelsea and Kensington, as compared with the relative increase in Birmingham, Liverpool, and Manchester, I have shown to the House to be utterly erroneous. Then on what ground does the Government recommend this proposition? The right hon. Gentleman has chosen his own ground; he has made an affirmative statement; he has founded that statement on two points, both of which, as I have shown to the House, possess no foundation. At present, therefore, the Committee is in this position—we have a proposition of considerable importance and of novel character brought forward by the Government, and they have not up to this moment adduced a single argument or reason in favour of its adoption by the Committee.

MR. LOCKE said, that the right hon. Gentleman (Mr. Disraeli) had misrepresented the arguments of the right hon. Gentleman the Home Secretary. The righ hon. Baronet's (Sir George Lewis) argument was that the population of the Metropolis, and of these two localities in particular, had increased so much that they had a pre-eminent claim to increased representation. It was said that the Metropolis was too much represented. That the Members for the Metropolis were all-powerful. Why so? Because they attended in their places. But that was a strange argument that a particular class of men was not to be increased simply because they did their duty. He was at a loss to know why the seat should not be given to Chelsea and Kensington. Was it because the metropolitan Members represented thousands where other Members represented twenties? Having population, having wealth, and having immense interests to represent, on all these grounds the Metropolis was entitled to additional Members. He would not say that a conspiracy had been formed, but there was no doubt that by moving the Amendment in the way in which it had been moved, an opportunity was afforded to every section in the House that wanted a Member to combine together to deprive the Metropolis of its just rights. The fair way would be to pit the rival places one against another instead of taking the vote against the advocates of all the rival places combined, and thus giving the right hon. Baronet the Member for Carlisle an opportunity of slipping in between them with his proposition in favour of the London University, without the merits of that constituency being tried fairly with those of Chelsea and Kensington.

SIR JAMES GRAHAM: As some allusions have been made to me in the course of this discussion, I think I should be wanting in candour if I did not state the course which I intend to take. I by no means intend to run the London University against Chelsea and Kensington. On the contrary, I told those Gentlemen who asked me to bring forward the claims of the London University that it was my intention to support the proposition of the Government to give representation to Kensington and Chelsea, and that only in the event of the hon. Member for Northamptonshire carrying his Motion I would submit the claims of the London University, as contrasted with those of other places. I am not blindly partial to the metropolitan representation, nor do I by any means approve of resting the right of representation upon population only. I have heard my noble Friend the Member for Middlesex (Viscount Enfield) state that the population of Kensington and Chelsea is 130,000, and that that population contributed to the imperial and local taxation no less an amount than £1,000,000 annually. That is a combination of population, of wealth, and of respectability which, I think, cannot be rivalled in any other part of England, and, upon the whole, I am of opinion that the Government has judged rightly in submitting this proposition to the Committee. My hon. Friend the Member for Norfolk (Mr. Bentinck) is constantly calling to our recollection the different proportions of rural and urban populations in respect of represention. The returns which have just been made under the recent census mark distinctly the great increase of the urban population, as contrasted with the rural population. I cannot say that I regard that circumstance with anything like satisfaction—there may be contingent danger in it—but it is still a fact that cannot be lost sight of, and I am opinion that the Government and the Legislature act prudently in not entering upon any extensive scheme of enlarged representation, upon the basis of population, only whether rural or urban. But still, bearing in mind from time to time the increase in these concentrated masses of population, I do not think that any favourable opportunity should be lost of somewhat enlarging the representation in accordance with the increase of population. I think that this is a favourable opportunity for taking this wise precaution in time. I hope I shall never live to see the day when, from dissatisfaction at lost opportunities with regard to these masses of population, larger changes shall be pressed upon the Legislature based on population alone, without reference to wealth, education, or other circumstances. This is a case combining population, wealth, and respectability; and I shall not hesitate to give my support to the proposition of the Government to give one Member to Kensington and Chelsea, even in preference to the London University, though by so doing I may damage the claims of the latter body.

MR. WALPOLE: I think the observations of my right hon. Friend afford a complete justification for the course taken by my hon. Friend the Member for Northamptonshire, and which has been impugned by the hon. Member for Southwark (Mr. Locke). My right hon. Friend the Member for Carlisle is going to vote for the Government, because he prefers to transfer one of the seats to Kensington and Chelsea, although if the Government should fail to carry their proposition he then intends to propose the transfer of one seat to the London University. Now, I am not aware of any other mode in which my hon. Friend the Member for Northamptonshire could have brought this question before the Committee, in order to enable us to consider whether the constituency selected by the Government is that which is most entitled to receive it. That is a vindication of my hon. Friend, nor do I think any other vindication necessary. I will now pass for a moment to the merits of the question. Supposing that the opinions of a majority of the Committee should be in favour of transferring a seat to Kensington and Chelsea, can a fairer issue be raised than by submitting this Motion to the Committee in the first instance? Her Majesty's Ministers, through the right hon. Baronet, have recommended this transfer solely upon the ground of increased population. The erroneous and inaccurate data upon which they have proceeded have been pointed out by my right hon. Friend the Member for Bucks, but if the only ground for the recommendation is the increase of population, then, I think, when the inaccuracy is pointed out, the recommendation does not come to us with the same force which it would otherwise have possessed. I must say that, for once, I think there is a fallacy in the arguments of the right hon. Gentleman the Home Secretary. He represents to the Committee the great increase of population in the Metropolis, whereas the point he had to show was that as contrasted with other places there had been such an increase in the population of Kensington and Chelsea as to entitle those places to be represented in Parliament. Then my right hon. Friend the Member for Carlisle, adverting to the forcible statement of the noble Lord the Member for Middlesex (Viscount Enfield), says that those places have a population of 130,000, and an enormous assessment, imperial and local; and, therefore, they are entitled to the right of returning a Member to Parliament. I am not going to say that Chelsea and Kensington may not legitimately be brought into a new constituency, but there is much force in what was said by the hon. Member for Northamptonshire, that if you transfer that population to a new borough you take away the votes they now have for the county, which they might prefer to retain. My opinion is that if we are to give representation to Kensington and Chelsea the best mode of doing it would be to divide the metropolitan county into two parts, and have a metropolitan and a rural constituency. That proposition is not now before us, and I only mention the subject that it might not be supposed I have any objection to see Chelsea and Kensington more represented than they are at present. The question before us is whether, in the appropriation of four seats, Chelsea and Kensington are the places to which we ought to give one? My right hon. Friend says we must have regard to the increase of urban population. Very true. But what are we doing now? Birkenhead has an urban population. The West Riding contains a vast urban population, and so also does South Lancashire. It is to these populations that we are giving three seats, and it becomes a grave question whether you cannot give the fourth seat to a better place than Kensington and Chelsea. I give no opinion as to what place should be chosen, but as to the three propositions which have been made every one of them deserves most anxious consideration. We have to consider the propriety of giving a Member to the London University, or to the Scottish Universities, or whether the West Riding should not have four Members instead of three, which I think is an objectionable mode of extending the representation. I have pointed out the questions before the Committee, and I must say I think the reasons preponderate against giving the seat as is now proposed, and I shall support the Motion of my hon. Friend.

Sir GEORGE LEWIS: I cannot remain silent after the remarks which have been made by the right hon. Gentleman opposite. He says that I ought to have satisfied the Committee of the increased population of the particular district to which we propose to give the seat. I did say that the entire borough of Kensington and Chelsea has increased since 1851 from 100,000 to 134,000. Compare that with the population of the largest unrepresented boroughs. Birkenhead at the last census contained 24,000; Staleybridge, 20,000; Burnley, 20,800; and Gravesend, 16,600. Therefore, as far as the statistical ground of population is concerned, the Committee will see that I made a sufficient statement. As to the error which the right hon. Gentleman says invalidates my argument, because I quoted from the Superintendent Registrar's districts instead of the Parliamentary boroughs, I say that makes no difference as to the argument I used, which was simply a comparison with the great increase of population in the Metropolis within the last ten years. That increase was 440,000. The Parliamentary borough of Liverpool contains 443,000 persons, so that the addition which London has received within the last ten years, is as nearly as possible equal to the population of the great town of Liverpool. The Parliamentary borough population of Manchester is 338,000, considerably less than the increment to London in the last ten years.

Mr. BARROW said, the right hon. Gentleman, the Member for Carlisle, had stated that while the population of the towns had very greatly increased, that of the country districts had not increased by any means in the same ratio. Might that not have arisen from the great preponderance of borough Members, and the consequently better manner in which the House had taken care of the interests of towns? The proposed borough of Chelsea and Kensington had no character but an urban one, as was shown by the fact that its contribution to the income-tax under Schedule B was almost a nonentity. It resulted, therefore, that the House was taking away the Members from four rural towns, and giving them to mere urban constituencies.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 172; Noes 275: Majority 103.

Sir GEORGE LEWIS said, he would beg to move that the Chairman now report Progress.

Mr. AYRTON said, he hoped that if hon. Gentlemen opposite were resolved to go on they would do so in that spirit of fairness which ought to characterize all the proceedings of that House. The hon. Member for Northamptonshire had made a distinct proposition, not only that Chelsea and Kensington should not receive an additional Member, but that a third Member should be given to the county of Middlesex; and it was due to the House, if the discussion was to be continued, that the hon. Gentleman should now submit the rest of his Amendment.

Lord JOHN RUSSELL said, the next

proposition to be made was not that for giving an extra Member to Middlesex, but that for giving a Member to the University of London. There was also a proposal to assign one of the vacant seats to the Scotch Universities. It would be inconvenient to discuss the Motion of his right hon. Friend the Member for Carlisle at that late hour, and it would be better that the Committee should now report Progress.

Mr. DISRAELI: Sir, I must say that I think the proposition of the Government a reasonable one. This is a Bill of great importance, and one of the main propositions of the Government has been rejected by the House, and I think the Government may require time to consider what course they will adopt with regard to the measure. It appears to me very natural that they should require delay, and I do not think the Committee, on reflection, can refuse the course proposed. I should, however, like to know from the Government what day they intend to proceed with the Bill?

Sir GEORGE LEWIS: On Monday.

Mr. DISRAELI: I think that is a very reasonable proposition.

Mr. VINCENT SCULLY appealed to the Government to select some other day, as he had a Motion which stood for Monday.

Motion *agreed to.*

House *resumed.*

Committee report Progress; to sit again on *Monday* next.

INDUSTRIAL SCHOOLS BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clauses up to Clause 12 were *agreed to.*

Clause 13 (Limitation of Stay at School),

Lord ROBERT CECIL said, he hoped a discretionary power would be given as to the discharge of female children at the age of fifteen. He, therefore, proposed that the word "male" should be inserted beford the word "child."

Sir GEORGE LEWIS observed, that he could not agree to the proposal of the noble Lord on account of the expense it would entail on the Treasury.

Amendment *negatived.*

Clause 14 (Discharge of Child from School),

Sir EDWARD GROGAN said, he objected to the provision in the clause that allowed the Secretary of State to empower any person, whether a relation or not, to take a child out of the schools merely on undertaking to provide for it. It was bad enough that the Secretary of State should have power to remove a child from a school where the child was educated in the religion of its parents; but that was going still further.

Sir GEORGE LEWIS said, he saw no objection to the clause, or any chance of its being abused.

Sir EDWARD GROGAN said, he could assure the right hon. Gentleman that it was very likely to be abused in Ireland.

Sir GEORGE LEWIS: Yes, but the Act only applies to England.

Mr. HENLEY said, he would propose to strike out the words which allowed "any other person" to remove the child. The provision would lead to proselytism.

Mr. ADDERLEY said, these words were in a former Bill, and urged that it was not likely the Secretary of State would abuse his power.

Mr. HENLEY asked if there was any instance under the old law of the power having been beneficially exercised? Let the Committee observe that there was no power to get the child back again under any circumstances.

Mr. NEWDEGATE said, he also objected to the clause as it stood.

Mr. CAVE considered that near relations were frequently the worst of guardians for children of this class.

Sir GEORGE LEWIS said, he would agree to limit the power to near relations.

Mr. SOTHERON ESTCOURT said, he thought the right hon. Gentleman the Home Secretary should take time and consider the whole bearing of these words before he consented to omit them.

Clause, as amended, *agreed to.*

Clause 15 (Maintenance of Child at School),

Mr. AYRTON said, that by the clause whatever loss might be sustained by these schools was to be paid out of the Treasury. Considering how the Miscellaneous Estimates were growing up every year, it behoved the Committee to watch carefully any proposal to increase them. It was no use to object to items of this kind on the Estimates, because if hon. Members rose to do so they were told they were too late, and that they ought to have opposed the outlay when the Bill was before the House. He should like to ask the Chancellor of the Exchequer if he had looked at the Bill in a financial point of view. There was no limit to the expenditure under the Bill, except the discretion of the Government. The working of the Bill depended on the activity and benevolence of private individuals, and they ought not to be induced to look to the public treasury to make up any loss that might be sustained by these schools. He thought it was the duty of the Committee to reject the clause.

Sir GEORGE LEWIS said, the hon. Member was mistaken if he supposed that any new principle was established by this Bill. Assistance on the same principle was given to the reformatory schools, to which these industrial schools were to be subsidiary. If they were successful in their operation they would cut off the supply of inmates to the reformatory school. Up to the present year grants had been made by the Privy Council in aid of industrial schools. By a recent Act, however, these schools had been transferred to the Home Office; and, unless it was the wish of the Committee to cut off the supply which industrial schools had hitherto received, it would be necessary to insert some such clause as that now under consideration.

Sir STAFFORD NORTHCOTE asked if there was any exception made in respect to children sent to the schools at the request of their parents?

Sir GEORGE LEWIS stated that at a future stage he would insert words exempting from the payments made by the Government children who might be sent to industrial schools at the desire of their parents.

Mr. HENLEY said, he must complain that after the Bill had been passed through Committee *pro forma* great alterations had had been made involving expenditure. He wished to know whether any estimate of the probable expenses had been made? An allowance of 5*s.* a head would be a great temptation to parents to neglect their children in order to bring them into the category of those who were sent to these schools. If the money were once paid by the Government they would have great difficulty in getting it back. He was anxious that destitute children should be properly cared for, but parents should not be tempted to neglect their children.

Mr. WHALLEY said, the measure was important, because it affected all the labouring poor of the country. He protested against the whole Bill as wholly uncalled for.

Mr. ADDERLEY said, he presumed that the hon. and learned Member for the Tower Hamlets did not propose to negative the clause, which would be tantamount to rejecting the Bill altogether. If the Committee were of opinion that the Treasury should be allowed to contribute something to industrial schools, the proper time for discussing the amount of the grants would be when the expenditure came before them in the annual Estimates. The power of contributing to reformatory or industrial schools was not limited by any existing Act.

Mr. SCLATER-BOOTH complained that the measure was an enactment for a new system of reformatory schools.

Lord ROBERT CECIL said, the Bill gave power to two justices to charge upon the Treasury the maintenance of any children who were suspected by the police to be the associates of thieves, but that was a power far too wide to be placed in such hands.

Mr. SEYMOUR FITZGERALD contended that it was clear from the clause that the expense of the measure would fall on the public Treasury. He should like to hear from the Chancellor of the Exchequer whether, in his opinion, it was a measure to which he could conscientiously give his sanction?

Mr. HENLEY said, he thought that the House ought to have some security as to the amount of expense to be incurred in carrying out the provisions of this Bill.

Mr. HARDY said, he would be glad to know whether the Chancellor of the Exchequer was prepared to open up a new branch of public expenditure, of which they had no estimate?

Mr. AYRTON remarked, that if the clause were struck out, it would not interfere with the means that might be adopted by the Educational Committee for the reformation of uninstructed children.

Mr. H. A. BRUCE said, the clause involved, in fact, the principle of the Bill, and as he believed the principle of the Bill was good, he should support the clause.

Sir JOHN PAKINGTON said, he thought the Committee had been led away by the idea that the clause would involve it in new expense; but the truth was that since 1857 a charge had been made for these children upon the public purse, but last year it had been transferred from the Education Department to the Home Office.

Mr. BARROW said, that this Bill held out a temptation to crime. He wished the children should be properly treated, but did not think the parents should be encouraged to throw them on the public. He thought its operation would be to place the Chancellor of the Exchequer in direct competition with the guardians of unions.

Mr. CAVE pointed out that a portion of the expense would be defrayed by the parents, from whom the agent of the Home Office was enabled by the Bill to enforce payment of certain sums. This would in some measure diminish the expense and would obviate the objection that parents might be tempted to neglect their children. A considerable sum was recovered annually from parents under the Reformatory Schools Act; and it was found practically that dissolute parents dreaded their children being sent to reformatories for this very reason.

Sir GEORGE LEWIS said, all the arguments which had been urged against the measure might, with equal plausibility, have been urged against the Bills for carrying out reformatories. The real objection to the clause was not the payment from the Treasury, but the probability of that being a growing and unknown amount. As, however, the schools were transferred from the superintendence of the Education Committee of the Privy Council to that of the Home Office, it became necessary to have a different mode of obtaining the requisite funds, but as an estimate of the expense would be laid annually before the Committee of Supply, it would be easy to limit the expenditure if it was found to be reaching a dangerous amount. He looked upon the measure as an experiment, and the disposition of the Home Office would be to watch its operation with jealousy, in order to prevent any unduly extensive admission of children into these schools. When reformatories were established at first he had grave doubts as to their results, but experience had shown their value. He might mention that the Parkhurst prison for juvenile criminals was only half filled through the effects of reformatories.

Mr. HENLEY inquired whether the grant was in future to be administered on the principle which governed the grants of the Privy Council—of giving money to those who gave money in aid; or whether the public was to defray the whole expense? If the latter was the case a new principle was at once introduced.

Sir STAFFORD NORTHCOTE said, he would suggest that, in order to allay the apprehension which appeared to be entertained, the words in the 15th Clause, empowering the Treasury "to defray the whole cost of the maintenance of any children sent to school under the Bill," should be struck out, and other words should be inserted, enabling the Treasury "to contribute" towards the maintenance of such children.

Colonel W. STUART said, he feared that the whole expense would fall on the public at large without the establishment of any efficient control.

Amendment *agreed to.*

Motion made and Question proposed "That Clause 15, as amended, stand part of the Bill,"

Mr. AYRTON objected that the clause provided for the cost of maintenance as well as education.

Mr. LOWE said, that since the Act of last Session these schools were entirely under the Home Office; the Council of Education had no control over them. No alteration, however, was intended to be made in the law. The clause simply gave to the Home Office the powers now possessed by the Board of Education.

Question put,

The Committee *divided:*—Ayes 73; Noes 56: Majority 17.

House *resumed.*

Committee report Progress; to sit again on *Thursday.*

House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, June 11, 1861.

Minutes.] Public Bills.—1ª Edinburgh Assessments.

3ª Government of the Navy; Customs and Inland Revenue.

CHIEF JUSTICE MONAHAN.

The LORD CHANCELLOR: My Lords, I must earnestly beg your Lordships' attention while I bring to your notice what has taken place in reference to an attack which was made by a noble Earl (the Earl of Leitrim), whom I am glad to see in his place, upon Lord Chief Justice Monahan. Yesterday, in presenting a petition to your Lordships, the noble Earl made most severe animadversions upon the conduct of the Lord Chief Justice and imputed to him gross misbehaviour in his office of Judge. On that occasion I asked whether any notice had been given to the Chief Justice of this attack, and the noble Earl replied that no notice had been given; upon which I certainly expressed some surprise, and perhaps some indignation, at the mode of proceeding which the noble Earl had adopted. Then the noble Earl said he would give notice that on Thursday week he would bring forward this charge against the Lord Chief Justice Monahan. Now, I find on the Notices to day this Notice, and nothing beyond it, that he will, "on Thursday, move for Copies of two Presentments to the Grand Jury of the County of Donegal at the last Summer Assizes." That is the Notice, and no more—not intimating in the slightest degree the name of the Lord Chief Justice Monahan, or what the charge is to be brought against him, or what preparation he should make for his defence. Upon this I sent for the Petition on which the noble Earl had founded the charge he brought forward without notice, and to my surprise, in this petition there is not the slightest notice taken of Chief Justice Monahan. It is simply a Petition from certain inhabitants of the county of Donegal, who say that there is Ribbonism there, and that there are disturbances in the county, without imputing any blame whatsoever to the learned Judge who was the subject of this attack. Now, my Lords, I do object very seriously to this mode of making an attack on a Judge. No doubt he is responsible to Parliament, and it is the duty of Parliament to censure or punish him for any misconduct of which he may be guilty; but it is equally the duty of your Lordships and of the other House of Parliament, when a charge is made against a Judge to give him an opportunity of defending himself. The only instance within my recollection of a charge being brought against a Judge was in the case of Mr. Justice Fox, an Irish Judge. That occurred, I believe, in the year 1804. I have referred to that case; and there I find that there was a petition charging particularly the learned Judge with misconduct in what he had said and what he had done, and giving him the most ample opportunity of preparing for his defence, and showing whether the charges were false or substantially true. Now here the noble Earl proposes, without anything more than a notice that he will move for two presentments laid before the Grand Jury of Donegal at the summer assizes of 1860, to renew the charges against Lord Chief Justice Monahan, which are loose, multifarious, and of a very serious nature. I did not catch them very distinctly, but I understood the noble Earl to complain that the learned Judge misconducted himself in addressing the grand jury and making himself a political partisan. I must implore your Lordships' protection for Lord Chief Justice Monahan as I would for any other of Her Majesty's Justices. I say that if the noble Earl intends to renew these charges he should state distinctly what they are, so that the learned Judge may have the opportunity of meeting them. No doubt, if the noble Earl on reviewing the circumstances, thinks that the learned Chief Justice has been guilty of misconduct, he can move an Address to the Crown praying that Chief Justice Monahan may be removed from his high office; but I hope your Lordships will take care that no Member of your House shall bring forward a charge of this nature without giving such an opportunity of defence as would be accorded to the meanest and most obscure among the servants of the Crown.

The Earl of LEITRIM: The noble and learned Lord certainly expressed his indignation last night in stronger terms than are usual in your Lordships' House; and not satisfied with that, the noble and learned Lord has this evening repeated his indignation, as appears to me, most unnecessarily. In presenting a petition to your Lordships' notice last evening, I thought myself called upon to animadvert on certain irregularities—which seemed to my mind very gross irregularities—which had been committed by the Lord Chief Justice Monahan, and from this I am not in the slightest degree prepared to depart. But I complain of something more; I complain that it is the practice of the Irish Judges to make partisan speeches of this character to the grand juries in opening the assizes; and it is upon this general ground that I wish to bring this question before your Lordships. Now, however, by throwing down the gauntlet, the noble and learned Lord has challenged me to bring specific charges. I can only say that I shall be very happy to meet the noble and learned Lord, and to settle my Motion in any terms which may be suggested as convenient for taking the opinion of the House thereupon.

The LORD CHANCELLOR said, that since he had remarked upon the propriety of giving Chief Justice Monahan notice of the charges to be made against him, the noble Earl had himself put upon the Minutes a notice, which, however, conveyed no idea of what those charges were to be. Now, surely, the Chief Justice ought to know of what he was accused so that he might be able to defend himself. It was the height of injustice to make such loose and multifarious charges against any functionary under the Crown; and to make them upon presenting a petition which did not at all inculpate the Chief Justice, or even mention his name, was extremely irregular, and was a course very much to be deprecated.

THE EARL OF LEITRIM said, he was really quite at a loss to know what the noble and learned Lord wanted. He would beg their Lordships to allow his notice to be put off till Friday.

THE LORD CHANCELLOR said, what he wanted was that the noble Earl should state specifically what the charges were, so that the Chief Justice might be informed of the accusations against him, and might be prepared to meet them.

SALE OF INTOXICATING LIQUORS.

PETITION.

LORD BROUGHAM begged the attention of their Lordships to a petition which had been put into his hands by a very large body of their fellow-subjects, the inhabitants of Plymouth, on a most important subject, the evils of intemperance, and the necessity of discouraging and, if possible, preventing these excesses, which all Judges and all inferior magistrates had so often declared to be the cause of crimes as well as of pauperism. In most instances habits of intoxication had this dreadful tendency, and in many cases intoxication was the direct cause of offences. Their Lordships were appealed to as the highest Court of criminal judicature by that meeting, over which the mayor presided, and the prayer of this petition was that considering the evils of the present system of licensing, there should in any measure which received the sanction of the House respecting the sale of intoxicating liquors be inserted a provision conferring upon two-thirds of the inhabitants of any district the power of preventing the granting or renewing the licences within the district. There had been a canvas carefully made of all the inhabitants of the great town whence the petition proceeded, and nineteen in twenty had declared in favour of the Permissive Law—four in five of the Parliamentary voters. It was remarkable that these proportions were not the same in the highest and lowest classes, but in the class of working men the vast majority was much the largest. The petition to the other House was signed by nearly 12,000, the largest number that ever signed a Plymouth petition. In other great towns the result of a similar canvas had been the same. Birmingham, Manchester, Leeds, and Sheffield might be mentioned as entirely agreeing with Plymouth.

GREENWICH HOSPITAL BILL.

SECOND READING.

THE DUKE OF SOMERSET, in moving the second reading of the Greenwich Hospital Bill, said he would very briefly state its objects. Their Lordships would remember that three years ago a Commission was appointed to inquire into the revenues and management of the Hospital with a view to render the funds of the Hospital more available for the objects of the institution. The Report made was of some length, and generally it showed that some amendment in the system of management of the Hospital was desirable. The Commissioners in their Report made a comparison of the relative cost of the maintenance of pensioners in France and England. It appeared that the annual cost of the maintenance of a pensioner in France was £31; in Greenwich Hospital it was £60. But the cost of the administration of the system in France was only £5 per head, while the expense of the administration of Greenwich Hospital was £28 18s. per head. This proved that some better system of administration was required. The Hospital was founded in 1694, under a charter from William and Mary, and its objects were stated to be the relief of disabled seamen, and widows of seamen, the maintenance and education of their children, and generally for the encouragement of seamen. Some of these objects were provided for by the out-pension system for which Parliament annually voted a liberal sum. Last year the amount was £230,000; and it was clear that Parliament considered that the Hospital was intended for the reception of seamen who were incapacitated by wounds or otherwise. The present Bill dissolved the existing Commission, and placed the institution under the management of a new Board of Commissioners, composed partly of *ex officio* Members; but the executive Commissioners were a "Civil Commissioner," who was to be permanent and resident, an "Admiral Superintendent," also resident, a "Medical Commissioner," not necessarily resident. The two last named to be appointed for five years. The accounts relating to the Hospital and the income and expenditure of the large estate belonging to the institution were to be annnally passed through the Audit Office and brought under the direct control of Parliament. In moving the second reading he wished to state there were some amendments which he wished to introduce into the Bill, and, therefore, he should ask the House to allow it to pass through Committee *pro formâ*, in order that it might be reprinted, and he hoped that all discussion would be deferred for the present.

Bill read 2^a; and *committed* for *Thursday* next.

GOVERNMENT OF THE NAVY BILL.

THIRD READING. BILL PASSED.

Order of the Day for the Third Reading read.

Moved, That the Bill be now read 3^a.

THE EARL OF CARNARVON said, that before this Bill was read the third time, he wished to say a few words upon a subject that was somewhat akin to the measure, and of which he had given the noble Duke notice. A few days since a right hon. Friend the Member for Droitwich (Sir John Pakington) made a statement in the House of Commons which attracted considerable notice both within and without the walls of Parliament. That right hon. Gentleman called attention to the great disproportion that existed between the English and the French navies in respect of iron-cased ships. The pith of the right hon. Gentleman's statement was this—that while we might have by the close of the year six or seven of those vessels, the French Government would have a number little if anything short of twenty-six. He (the Earl of Carnarvon) ventured to think that so far from his right hon. Friend's statement having been overdrawn, he had rather underrated the strength of the French navy in iron-cased ships—he might have added that within the last two months the French Government had issued orders for the construction of a large number of steel or iron boats, which were capable of being taken to pieces and put together again with great rapidity, and afforded remarkable facilities for disembarking troops upon an enemy's coast. Now, it was true that France might be engaged in war with many continental nations, but it was obvious that in a war with these nations steel launches of this description would be totally useless. Most of the warlike operations of France would be land operations, and, as experience of the Italian war had shown, there would probably be facilities for a disembarcation in a friendly country. However that might be, and ingenious as this scheme might be, it was hardly applicable to a state of war between France and any other continental State. That, however, was not the point to which he wished to call the attention of the Government. He understood that the French dockyards, both public and private, were at this moment occupied not solely in constructing French ships of war. He understood that both the Italian and the Spanish Governments were having iron-cased ships built in France, and he was further informed that there were at this moment building near Toulon two sister ships to *La Gloire*, which had been ordered by the Italian Government, and which were rapidly approaching completion. It was stated, moreover, that two other ships of the same character had been ordered, and the lines were already laid down. By the side of the naval preparations in France it must not be forgotten that in the Italian dockyards, measures had been taken to accelerate the construction of vessels of war as much as possible, and the workmen employed on them were working extra hours with a view to their speedy completion. The Spanish Government also was understood to be taking similar measures, and four ships had been already commenced, while negotiations were pending for the construction of others. It had been calculated, as he conceived upon very reasonable grounds, that before the close of the year there would be a great accession of strength to the naval forces of Spain and Italy in the shape of iron-cased vessels. No one could feel any jealousy at this accession of strength on the part of those countries regarded by themselves; but if the supposition of a combination of those Powers with France were admitted, the question was at once changed, and such a state of things must be regarded as pregnant with danger, at least to our naval position in the Mediterranean. But while, on the one hand, foreign Governments had been proceeding cautiously, silently, and steadily, in the work of augmenting their naval strength, we, on the other, had been making no proportionate progress, partly owing to our precipitation and partly to our vacillation in our plans and policy in constructing our ships. He himself recollected that within the last seven or eight years there had been four distinct changes of policy on the part of the Admiralty. Before the Crimean war large ships of war were held up as the great safeguards of the country. But at the commencement of the Crimean war a cry arose for gunboats, and gunboats were built in large numbers, only, in many instances, to rot in the dockyards of Portsmouth. The gunboat fever then died out, and large ships were again resorted to, until within the last two years, when the policy of the Admiralty was changed in favour of building ships encased in iron. He understood, however, that within the last few days some invention had been discovered by Sir William Armstrong by which his guns could be brought to bear with such force and accuracy that the strongest iron plate would be pierced or pulverized by it. He knew that every system of naval architecture must be subject to changes of circumstances, and that new rules of construction must be devised conformable to them. It, would, therefore, be idle to suppose that what was suitable in one state of circumstances must be the best adapted to every other. In saying, therefore, that the Admiralty had frequently varied the forms and principles of naval architecture. He did not intend to condemn necessarily all change or thereby to impute misconduct to the Admiralty. But what he did complain of was a wasteful expenditure which sometimes occurred under the administration of that Board, which seemed to be governed by none of those rules of common prudence which any man in private life would be deemed little less than a madman if he did not observe. He would not weary the House by quoting cases, but as an instance within his own knowledge he would mention the circumstances connected with a dock at Malta. About thirteen or fourteen years ago the Admiralty ordered the construction of a dock in that island, at a cost of about £60,000 or £70,000; but it was built on the worst possible place, at the extremity of a creek, and exposed to the wash of the sea, in some of the most tremendous storms of the Mediterranean. Then, again, it was constructed, not on Crown land, but upon private property, and was surrounded by houses, so that in the event of war or disaffection it would be in the power of an enemy to destroy it. The work itself was bad, the stones after a short time opened, the whole dock settled, and it became evident that its ruin was only a question of time. It might naturally be asked, did not the Admiralty inquire into these facts? They did inquire, and were told that the mischief was attributable to an earthquake that had occurred at Malta. Now it was true that there had been an earthquake, but the collapse of the work took place two or three years before the earthquake happened. At this moment the dock was in such a state of decay that the first heavy gale might bring down the whole of the masonry. But this was the least part of his complaint. About two years since the Admiralty, seeing that this dock had been built for ships of a smaller size than we now used, determined to construct a second dock. For that purpose £60,000 was taken in the Estimates, and another Vote was proposed to be taken this year, which would bring the entire amount to £83,000; but, although they had been warned by the experience of the past—although they had seen the mistakes into which they had fallen in regard to the first dock—incredible as it might appear, they actually constructed the second dock precisely in the same place, and open to precisely the same objections as the first. It was not merely surrounded by private property, but was built through and behind the dock originally erected. There was consequently no access to the larger dock except through the outer and smaller one, and, therefore, a ship could not be admitted to or released from the inner dock until the one in the outer dock had been removed. Thus, a large part of the additional space thus obtained was literally useless. No ship could enter the inner dock if it was too wide for the outer, and if in a severe tempest the work fell in, the whole of these two docks would be completely closed for five or six months; and that, perhaps, at a period of war or of extreme emergency. The steps of the new inner dock had been projected to such a width that when the work was done no large-bottomed vessel could rest there.

Last winter the workmen were engaged in undoing the work that had been done at a sacrifice of the public money. It was proposed at first to separate these two docks by a sliding caisson; but representations having been made to them against that plan, the Admiralty gave way, and substituted an order to erect the usual dock-gates. Suddenly, however, without rhyme or reason, while the workmen were employed in constructing the gates a counter-order was issued one fine morning, and the plan for a sliding caisson was restored. In the event of a war with France—which God forbid!—and still more if France were supported by Italy and Spain, it was morally certain that there must be a great naval engagement in the Mediterranean. In that case, unless our arms were crowned with one of those overwhelming victories of which there were some instances in our history, both fleets must obviously put back to their respective ports for repairs. The French fleet could go to Toulon, and would, perhaps, be again afloat in three weeks. The Italian could refit at Genoa, La Spezzia, or some other harbour on their own coast; while the Spaniards could conveniently do the same at Carthagena or elsewhere. But what would be the case with our own fleet? With the works at Malta in the ill-arranged, and, perhaps, ruinous state which he had described, we might not have a dock in the Mediterranean ready to receive a single ship of war, and we should have to send our fleet across the Bay of Biscay to be repaired at home. Observe the danger that must thus ensue to ships disabled, and, perhaps, in a half sinking condition, the risk of their being intercepted on the way, and the certainty of the enemy obtaining the command of the Mediterranean in our absence. These were matters which must suggest themselves to every reasonable mind that reflected at all on this subject. He trusted he had said quite enough to draw the attention of the Government to the dangers of our position; if these had been secret facts he should have been the last to publish them, but they were known and patent to all Europe. He did not wish to impute any special blame to Her Majesty's Government or to the noble Duke at the head of the Admiralty, but he ascribed the evils to which he had called attention rather to the vicious system of incessant change and weak vacillation which characterized so much of the naval administration of this country.

The Earl of Carnarvon

The Duke of SOMERSET: My Lords, the noble Earl first called your Lordships' attention to the question of iron-cased ships, and referred to a speech lately made in the other House, founded on information furnished to the right hon. Baronet the Member for Droitwich by Admiral Elliot. Admiral Elliot went to France, and applied, through the English Minister at Paris, for leave to visit the dockyards of that country, in the same way as French officers have often applied for leave to visit our dockyards. His request was acceded to with the courtesy and civility which the French authorities always desire to show in such a case. They said that they should always be anxious to afford every facility for the inspection of their establishments to any officer accredited by the British Minister. Admiral Elliot went and saw all that was going on in those establishments; but I must repeat that, under the circumstances, I sincerely regret the course which he took on his return to England. If I myself had given a French officer permission to view our dockyards, and I afterwards found that he took the first opportunity of publishing in the French Chambers a minute statement of the proceedings in our dockyards, such as had been made in the House of Commons on the authority of Admiral Elliot, I certainly should not think he had done a very friendly act. At the same time all the information brought by Admiral Elliot was only what we knew before. We were well aware of the progress that had been made in regard to the building of iron-cased ships in France; and we had taken some measures, since our accession to office, for the construction of iron ships ourselves. The House is aware that the French had a considerable start of us in this respect. The late Government was in power in 1858, when it was perfectly well known what France was doing in the way of building iron-cased vessels; but they took no step in the same direction till May, 1859. Certainly some time was lost in these operations, which was all the more important because the opportunity of making actual trial of this class of ships was delayed. We have not yet been able to make trial of the first iron-cased frigate, although in a few weeks one will be in commission, and we shall then have more practical results than any we have yet obtained. When the present Government came into office we found only one of those vessels laid down, and a sum taken in the Estimates for another.

We ordered this second vessel to be built; and, not satisfied with that, although Parliament was not then sitting, I brought before the Treasury the necessity of at once ordering two more. I did not wish to go on building these ships until their effect had been tested; but, seeing the progress made by other countries, I thought we ought not to be unprovided with this class of vessels. Although we were necessarily ignorant on many points of detail, I subsequently proposed to build three more, which, accordingly, have been commenced. We have, therefore, now seven of these ships in the course of construction. We are now preparing some of our wooden ships for plating with iron. I do not think they will be very efficient; but these ships will be at least as good as the French. My opinion is that we ought to construct our ships of iron to be afterwards iron-plated; but the whole subject is one of very great difficulty. Every day brings out new points and new difficulties. When I came into office two things came upon us at once—novelty in shipbuilding and novelty in the construction of our guns. When I came into office in 1859, the late Government had ordered the *Warrior* to be built, but had calculated that she would carry the old style of arms. She was not calculated for the new style of rifled guns, but for the old style of arms. When I came into office my attention was naturally called to these subjects. With regard to iron ships, I saw various persons; naval men having a knowledge of engagements at sea and men of great experience in shipbuilding—with the view of acquiring all the knowledge that could be had on the subject. They said their opinion was that we should build ships of iron and plate them with such iron plates as would keep out shell though they might not resist solid shot, before doing this we wished to have some experiments tried. We had some experiments at Portsmouth, and one of the first was upon an iron target of less than an inch thick. The result was that round shot in striking the iron broke into pieces, but passed on into the vessel, and no less than 700 pieces of iron were picked up inside the ship. That showed that round shot produced as bad an effect as any shell. It seemed, therefore, that merely to case ships with thin iron would be to expose men-of-war to as great destruction as possible, while such ineffective would load the ship with unnecessary weight. We had no end of suggestions and recommendations. Some people recommended India-rubber, others a thick matting of hemp, others chain armour. The answer I sent to these gentlemen was that, if they would send their inventions to Portsmouth, we would try them. I myself saw chain armour which had been tried, and the very first shot destroyed it. India-rubber and hemp were equally ineffective. Last year it was said we should slope the sides of vessels, and shot striking at an angle would glide off; but when we came to try flat-headed bolts, the slope made no difference at all. That was the last answer I received from Sir William Armstrong. Then it was said that the iron should be 4½ inches thick. I was rather doubtful whether that would be sufficient, and I ordered the vessel to be laid down at Chatham to have such flotation that she might carry at least six inches of iron. I thought six inches tolerably safe. I now find that Sir William Armstrong's guns have fired through 8-inch iron with the greatest facility. In building these iron vessels it is a great problem where we are to stop. Thin iron will not do; thick iron is very little better. It is, therefore, very difficult to say how we are to make our vessels safe. One fact, however, is clear, and to that we have chiefly addressed ourselves—namely, if we cannot make our vessels so secure as we could wish, at least we should arm them with as good weapons of offence as possible, and by ordering that our ships should be armed with Armstrong guns we felt that we were taking a course which would produce the greatest effect, while, at least, it would be a safe mode of proceeding. With regard to these different experiments, the noble Earl says the Admiralty have always been changing their policy. Why, my Lords, the reason is obvious. The world is changing; alterations are going on everywhere. So far from the Admiralty vacillating, from the time we came into office we have gone on in the course which I believe your Lordships will say was the right and proper course for us to adopt under the circumstances. My noble Friend the other day said we were going on building three-deckers and laying down wooden ships of war; but what is the fact? The last three-decker ordered to be built was in January, 1855. It is quite true that two three-deckers were launched in the course of 1859, but these three-deckers had been nearly finished for a long time; their engines and everything had been ordered; it was, therefore, thought better that they should be launched, and thus whilst we obtained two wooden ships of great power we also made room for other work to be gone on with. Well, then, it was said why do you go on with two-deckers? Now, we have not been going on with two-deckers. The last two-decker ordered was by the late Government in 1859. The present Board have ordered none. But it is said the Admiralty is going on ordering new large wooden ships. Nothing of the kind. It is quite true that we have converted sailing ships of the line into steam-ships, and we have ordered small vessels—corvettes, sloops, and some frigates and gun vessels; but if you mean to keep up the maritime power of this country we have not yet arrived at that forward state in which we can leave off building. We have been building the vessels what we thought would be most useful, and we have ordered them all to be armed with the new guns, and, instead of carrying the large number of guns they formerly used to do, our vessels will carry few guns, but guns of great power. The noble Earl referred to our gunboats, which he said were rotting in harbour; but if these were armed with an Armstrong 100-pounder they would be most formidable vessels, and would serve most materially to defend our coasts in case of hostile aggression; while being themselves small they would present a very slight object of attack for the enemy. With regard to what we ought to do in the way of preparation, there are two or three courses that might be adopted. If there was any immediate necessity or alarm, we could readily cut down some of the three-deckers and case them in iron. I have had calculations made as long ago as in 1859, and I find if you were to cut down, say the *Royal Albert*, and case the vessel in iron, it might bear 4½ inch iron; but it would not then be a very effective ship—the ports would be too near the water, and it would not be so good a sea-going ship as I should wish the Admiralty to build, unless there was any pressure. Next year we ought to have better ships than three-deckers cut down would give us. Another course might to some extent be adopted. We have frames cut out for certain line-of-battle ships. We can easily add to the length of vessels and make effective wooden ships, which we can use hereafter as wooden frigates or as iron-cased ships. Another course would be to order frames of iron ships to be prepared with a view to case them with thick iron. Then comes the question of what iron they ought to be constructed, and the best mode of fastening the iron plates. Every day new questions arise. I am unwilling to advance too fast, because I feel that we can advance much more efficiently by waiting a little longer. It is only a few days since the last of these experiments took place with 8-inch plates. I had previously considered that 6-inch plates would afford sufficient resistance, and I ordered 6-inch plates. I have great doubt whether the mode of fastening the plates is satisfactory. On that account, therefore, we thought a trial should be made before we laid down new iron ships on a large scale; and that done, we felt we might rely on the power we have in building iron vessels if the country once takes it in hand. We know what the private yards in this country can do. We could soon produce a fleet of iron ships far greater than all the other Powers of Europe besides. It is true, as the noble Earl has stated, that France is not the only country which is building wooden ships to be covered with iron. There are some being built for Russia. I do not know where the contracts were taken, but contracts are in course of execution for Russia and also for Spain. One wooden ship covered with iron has, likewise, been built for Sardinia. Austria is adopting a similar system. The French ships are for the most part wooden ships covered with iron. I believe the best ships will be found to be those which are built of, as well as covered with, iron. Ours are iron ships with two coverings over a large portion of the ship—one of teak twenty-six inches thick, and one of iron four and a half inches thick. That is how the *Warrior* is built, and I have no doubt it will offer great resistance to shot and shell. Complaints have been made that the Admiralty are going on buying large quantities of timber. We must do so, and especially we must continue to purchase considerable quantities of teak, if we persist in building our ships with teak coverings. Teak, I need hardly say, is the best timber for that purpose, because it is of all woods the least liable to decay. I hope I have made a satisfactory statement in answer to the remarks of the noble Earl.

THE EARL OF CARNARVON: The noble Duke has said nothing of the two ships built at Toulon for Italy, or of the two more which are ordered.

The Duke of SOMERSET: I cannot say what is doing in the French dockyards. I know there was an iron-cased ship built for the Sardinian Government in France, but I believe it was built, not in any Government dockyard, but by a private builder at Marseilles. I know nothing of the second ship, but the noble Earl may be correct in his statement. All I can say is, that in the fact that iron-cased ships have been, and are being, built for Italy and Spain, I see no great cause for alarm. It is very natural that other Powers should desire to advance as well as France and England, and we have no reason for believing that either the Italian or the Spanish ships are meant to attack us. At the same time, it is our duty—and especially the duty of the Admiralty—to watch the progress that is making, to follow our own course, and to apply to Parliament if Parliament be sitting, and if not then to take measures on the responsibility of the Government—to make such preparations for maintaining the maritime position of this country as may seem to be necessary. For that I am quite prepared. The noble Earl, in referring to the works going on at Malta thought it expedient to go back six or seven years. What has been brought to my notice since I have been at the Admiralty with respect to Malta is that we want more harbour accommodation there, not merely dock accommodation, but accommodation in the harbour for our vessels, for our ships-of-war being now built so much larger than they formerly were cannot ride where they used formerly to be moored. On that subject I communicated with my noble Friend at the head of the Colonial Office, and through him with the local Government at Malta. The conclusion we came to was that the Imperial Government and the local Government should each pay half the expense of deepening the upper part of the Great Harbour at Malta, that the merchant vessels should be put in that portion of the harbour, and that the lower part should be given to us as the place most convenient for our fleet. We have sent out vessels to dredge the upper part of the harbour accordingly, and operations are now in progress for providing increased accommodation for our large ships. The noble Earl says that in the event of war the French fleet after a battle would go back to Toulon, while we could not repair our ships at Malta. That certainly is so. The French have great advantages over us in the Mediterranean, because Toulon affords much more ample accommodation than we have at Malta, even taking into account the two harbours there. Beyond those two harbours, as every one acquainted with the ground knows, it would be impossible to extend the accommodation, and they will hardly suffice for the fleets of England, if we must have great fleets in the Mediterranean. There must be difficulties in that respect, but this country has met difficulties before, and I have no fear that we shall be able to meet and overcome them again. At the same time, we have taken care to enlarge the harbour accommodation, and the local Government has met us in a generous spirit, having agreed to pay half the expense. We are cutting out stones for making wharfs and piers connected with the new works, and we have given directions that those stones shall be taken from a place which will eventually form a canal between the two harbours, thus separating the town from the rest of the island by a new channel of water. I have no doubt that the improvements when completed will prove a great advantage, not only to our vessels of war, but also to the local Government and the inhabitants of Malta generally. He hoped he had succeeded in showing to their Lordships that the Government had taken all necessary measures for the naval security of the country, and he trusted their Lordships would not hesitate to pass the Bill.

Earl GREY: I am sure your Lordships must have heard the statement of the noble Duke with great satisfaction. For my own part, instead of finding fault with the Admiralty for being too fond of change, I am rather disposed to blame them for being too slow in adopting improvements. What I complained of two years ago was not that we were adopting new inventions, but that when new inventions had been tried, and found to a great extent successful, we still went on building ships of the line which it was morally certain would never be used. I objected to that in 1859, and I think I was right in doing so. I did not mean to censure the present Board of Admiralty, because I was ignorant as to what they were about. We have now heard from the noble Duke what is the course he is really pursuing. I believe that course is the proper one—

not to hurry on too rapidly with new inventions until they have been fairly tried; but, on the other hand, when there are new inventions which hold out every prospect of being successful, not to continue spending large sums of money in building vessels which in all probability will be useless; to make arrangements for the rapid creation, in case of necessity, of a large force of that description of vessels which will be most wanted and most serviceable, but not, under the influence of panic, to proceed too fast in the construction of ships which will not be likely to answer. Let me add that I was extremely glad to hear what the noble Duke stated with respect to gunboats and the smaller class of vessels. It is obviously not wise, in the face of the extraordinary improvements which are constantly being made in modern artillery, to build enormous ships in which a very large number of men would be exposed to certain destruction. I think the smaller kind of vessels, armed with Armstrong guns, will prove the most useful we could have; and in a recent visit to Portsmouth nothing gave me so much satisfaction as to see our fine fleet of gunboats in such a state of preparation. In the event of any sudden attack there is no force on which we could so safely rely as upon these gunboats, armed with rifled guns.

Motion *agreed to;* Bill read 3ª accordingly; Amendments made; Bill *passed,* and sent to the Commons.

CUSTOMS AND INLAND REVENUE BILL.

THIRD READING. BILL PASSED.

Moved, That the Bill be now read 3ª.

THE EARL OF WICKLOW said, that before this Bill was read the third time, he wished to recall their Lordships' attention to the difficulty which was the cause of the Paper Duty Bill having been rejected last year, namely, the hardships which the British papermaker would labour under as long as difficulties were thrown in the way of the importation of foreign rags. He found from the reports in the public press that it had been stated by the gentleman who had been mainly instrumental in carrying out the Commercial Treaty with France, that when he urged upon the French Government the expediency of allowing the free exportation of rags, the answer returned was that they were then engaged in negotiating a commercial treaty with Belgium, and that until that treaty had been concluded they could take no decided step in the matter. The objection then made upon the part of the French Government had, however, now no ground upon which to rest, inasmuch as he found that the treaty between France and Belgium had been concluded. He hoped, therefore, Her Majesty's Ministers would be able to inform the House that further steps had been taken with a view of obviating an injustice to which the papermakers of this country were still subjected, owing to the difficulty which lay in the way of their procuring the raw material of their manufacture.

EARL GRANVILLE said, that urgent representations had been made to the Governments of the various countries from which rags were exported with respect to removing the very high duty on their exportation which at present existed. The treaty to which the noble Earl alluded as having been concluded between Belgium and France gave, he believed, considerably increased facilities in that respect, but he hoped the Government would be in a position before long to give some more satisfactory assurance on the subject. A point, perhaps, of even a greater importance than the exportation of French rags was that there should be a systematic collection of rags in this country. He was surprised to learn from an eminent papermaker that in scarcely any other part of England except the Metropolis was there any organized system for the collection of rags.

Motion *agreed to.*

Bill read 3ª accordingly and *passed.*

RAGGED SCHOOLS.

ADDRESS FOR RETURNS.

THE EARL OF SHAFTESBURY rose pursuant to Notice to *move*

> "That an humble Address be presented to Her Majesty for, Return of the Names of all the Witnesses who, either orally or by Document, gave Evidence in respect of Ragged Schools in the Metropolis to the Central and Assistant Commissioners; and the Names also of the Schools therein visited by any of them.
>
> "The same also for the Towns of Manchester and Liverpool."

The noble Earl said: My Lords, if the Commissioners had contented themselves with simply saying, that after a due examination of the ragged school system they could not recommend Government to lend their assistance, neither I nor those with whom I act would have said a single word on the ubject. They, however, instead of pursuing that course, brought such heavy charges against the system, and condemned it in terms so strong, that if their statements be true, we ought, I do not hesitate to say, to break up the system altogether, as unworthy even of that benevolent aid which it has hitherto received. But then the question arises, are those allegations well founded? and in order to furnish an answer to that question it is necessary that we should have the names of the witnesses who gave the evidence upon which these allegations are based. In the first volume of their Report (vol. i. page 394) the Commissioners say—

> "The bulk of these scholars appear to be children either of out-door paupers or of persons who can send their children to paying schools, and who would do so if there were no ragged schools."

Now, here we have at once a statement that we are carrying out this system in a manner the most injudicious, and, if the Report be correct in this respect, we are, no doubt, open to animadversion. Again, in the following page I find this passage—

> "It is indispensable that they (*i.e.*, any class of schools claiming Government aid) should be shown to be likely to produce permanent valuable results, but this is not the case with the ragged schools."

The Commissioners, adopting the language of one of the Assistant Commissioners, Mr. Cumin, and thus making it their own, further say—

> "There may be one or two cases in which, under such unpromising circumstances, a boy or girl has derived benefit from a ragged school, though I admit that I have been unable to discover any."

Now, I have searched through the Report to see whether the Commissioners, in making this statement, have referred to any evidence with a view to support it; but I cannot find that such is the case. I have, I may add, been informed that a good deal of evidence was given by word of mouth, both to the Commissioners and Assistant Commissioners, which does not appear in the Report; there being no reference even to the names of the persons by whom it was given. It is then, your Lordships will at once perceive, a matter of great importance that we should have those names, in order that we may be able to form a judgment as to whether the witnesses were persons conversant with the ragged school system, and whether their testimony is of a character on which reliance can be placed. There is one very important point, with a view to the elucidation of which I am anxious to have those names. In page 388 of the Report the following statement is made:—

> "There are in England and Wales 14 evening ragged schools, containing 707 scholars."

But I find that, according to the Returns for the same year which were given in to the Commissioners by the Secretary of the London Ragged Schools Union, that the number of those schools in London alone was 187, while the number of scholars was 9,465. It was, however, stated some time ago that when the Commissioners had looked into these returns they found that a large proportion of those who attended these schools were adults, whom they did not take into account in making their calculations. It is nevertheless the fact, that although there may be in the evening schools in London a very few pupils who are sixteen years of age, the vast majority were only thirteen years and under. I should, under these circumstances, very much like to know the evidence on which the statement in the Report of the Commissioners is founded. It is further stated, in page 603 of the Appendix to the Report, that the number of ragged schools in the whole of Lancashire was in 1858 only six, and the number of scholars 927; whereas, the fact is, that in Liverpool alone there were in last year 46 schools, the average attendance at which amounted to 5,822. I may add that Mr. Gillespie, of the Ragged School Union of Liverpool, with whom I communicated upon the subject, wrote to me to say that he had himself sent to the Commissioners a copy of a Report containing a statement to that effect. There is no notice, however, in the Report of Mr. Gillespie's figures. They are altogether omitted, his name is not even mentioned, and the number of schools throughout Lancashire is stated to be six, and the number of scholars 927. Now, I shall be very glad to have the evidence upon which these figures rest. The Ragged School Union, I may say, is in no way responsible for the provincial returns, and is responsible only for its own. The returns which I have mentioned were their returns in 1858, and they are utterly contradicted by those for the same year given by the Commissioners. Again, the Report of the Commissioners is not sustained by the reports of their assistants. In some parts it may be, but in others it is not so sustained. In the reports of the Assistant

Commissioners I find what never would have been gathered from any part of the general report or from the statement of the noble Duke (the Duke of Newcastle). I mean a great many passages strongly laudatory of ragged schools and of the ragged school system. Mr. Hedley says—

> "In provincial towns (his observations are confined to Newark and Doncaster) there does not seem to be any necessity at all parallel to that which suggested ragged schools in London and other large towns."

Mr. Winder says—

> "In Bradford the permanent pauper children are fairly cared for by the guardians. There is abundant room for the children of the criminal and degraded classes in the ragged schools."

Mr. Foster mentions ragged schools in Durham and Penrith, but gives no opinion on them. These two gentlemen speak disparagingly of ragged schools as a permanent system, while they admit that good is done. The Commissioners, having quoted so largely from Mr. Cumin in disparagement of ragged schools, ought in fairness to have quoted from him passages which are in a great measure laudatory of those schools. So far as you can gather from the Commissioners' Report you would suppose that Mr. Cumin condemned ragged schools from beginning to end. Now, let me quote this passage—

> "But, making every allowance, I cannot doubt that a very considerable influence for good is exerted by these Ragged Evening Schools, conducted by voluntary teachers."

THE DUKE OF NEWCASTLE: I read the passage.

THE EARL OF SHAFTESBURY: I certainly did not hear it, nor do I find any reference made to this question, which was put to Mr. Jago, master of the Free School, Plymouth—

> "Q. What is your opinion of ragged schools? A. The establishment of ragged schools has, no doubt, conferred a very important benefit on the ordinary day schools, by separating the vicious and incorrigible from the mass of the more respectable and working men's children."

Mr. Hare speaks with disapproval of the ragged schools in Ipswich; he adds, however,

> "The three ragged schools in my district are, most undoubtedly, confined to their declared purpose."

Miss Elizabeth Twining speaks highly in favour of Evening Ragged Schools—

> "They (the ragged scholars) often gain good characters in their first place, for diligence and willingness to work."

Why was no allusion made to the strong evidence given by Mr. Tuffnell? He says—

> "There are a great number of children about London who do not go into either the National Schools or pauper schools; and I believe that ragged schools are of great utility in getting hold of these children."

Then this important question was put to him—

> "Is your experience strong with regard to the number of children who have been permanently improved from their attendance on a ragged school?"

His answer is emphatically, "Yes." There was no reference to this in the general Report, and you must take the trouble of wading through several portentous volumes in order to arrive at it. Again, it was said to me—

> "You ask why we did not apply for the evidence of the police. But we did apply, and the testimony of a policeman was given,"

Now, what is that evidence? Here are are the words of Policeman Handcock, as quoted by the noble Duke—

> "I do not know any facts which should induce me to say that ragged schools have diminished juvenile crime,"

and there the quotation ended. When I heard it I was a good deal surprised, but I was not at the time prepared to make any reply. On referring to the original, however, I find that the quotation ended, not at a full stop, but at a comma or semi-colon; and Mr. Handcock went on to say—

> "But I believe that they must have diminished crime."

I ask, why a passage was suppressed which completely reverses the whole effect of the sentence as quoted? Again, the noble Duke quoted this passage from Mr. Handcock's evidence—

> "From my experience in London I have no doubt that the parents, if they chose, could afford to pay one penny per week for each child capable of going to school."

That was quoted to show that the parents were in a position to pay for the education of their children. My argument is, that many can pay, but are so profligate that they will not pay; and it is remarkable that this opinion expressed by Mr. Handcock was also omitted—

> "I think that those children who now pay nothing to the ragged school would not go if they had to pay a penny."

Why was this suppressed? Then we

come to Dr. Hodgson, to whom was assigned a part of the metropolitan district. The noble Duke quoted Dr. Hodgson as speaking doubtfully of the quality of children admitted. He certainly does. But why was no reference made to his high praise of the schools? Dr. Hodgson says—

> "For those really unable from destitution, culpable or not, to pay even the present rates, special provision must be made in the ragged schools or otherwise."

Again he says—

> "That these schools provide a useful, kind, and a respectable amount of teaching for many children who would otherwise be utterly neglected is beyond doubt."

[The Duke of NEWCASTLE: "Hear, hear!"] No doubt there was a laudatory passage in the Report of the Commissioners. At the end of the Report there is a compliment to all those who have laboured at this work; but it is a compliment to their benevolence at the expense of their judgment, and that compliment excited more pain than anything else on the part of those to whom it was addressed. Moreover, if the compliment be true the Report must be false, and if the Report be true the compliment must be false. I say again that the assistant-commissioners by no means bear out the general Report. Dr. Hodgson says in another part of the volume—

> "The value of such schools is not to be judged of by the amount of knowledge imparted, or even of power given to write and cipher, but by their effect in taming, and softening, and cleansing, through sympathy and kindness, those young victims of others' wrongdoing, and making them feel that they are cared for . . . and that even for them an honest and creditable, if laborious, future may be in store."

Here is a strong objection taken by Mr. Wilkinson, to whom another part of London was assigned. He says — and this passage was quoted by the noble Duke—

> "The short result of my inquiry upon this branch of my instructions is that in my district ragged schools do not sufficiently retain the distinctive features with which they were originally instituted; and that thus, while they give instruction to those who desire to receive, and often use it for a bad purpose, they do not supply a moral and mental education to those who most want it."

Now nothing could be more condemnatory than this statement:—but only one page before the same Commissioner says, while hoping for the substitution of industrial for ragged schools—

> "I freely admit, upon a balance of good and evil, the good effected by these schools largely predominates."

Yet this was never mentioned in the general Report or in the debate in this House. I merely require the names of those who have given testimony, that it may be known from what evidence the facts and figures are derived; and, if the names are refused, it will appear as if the Commission has been pretty nearly a secret one. The noble Earl concluded by moving the Address for the Returns.

THE DUKE OF NEWCASTLE:—My Lords, I cannot help thinking that, if the noble Earl desires to ascertain the truth in this matter, he has taken a very inconvenient mode of obtaining it. He has not only not contented himself with impugning the justice and accuracy of the Report, but at least half the speech he has made this evening has been a reply to the speech I made on a former occasion, and he has attempted to prove that I then read garbled extracts from the Report, with the view of establishing my case against his. If the noble Earl intended to take this mode of elucidating the truth, it would have been more conducive to his object as well as more courteous had he given me some intimation of his intention, instead of putting a plausible notice on the paper for a mere return of names. I so completely anticipated that the noble Earl would have moved for these returns in a speech of a single sentence, or without making a speech at all, that I did not think it necessary to bring down with me my own copy of the Report with the passages marked that I read in the last discussion. But, seeing a few minutes ago the noble Earl armed with a mass of papers, I sent to the library for a copy of the Report, that I might be able to answer any statement of the noble Earl. Now, first, as to the charge of garbling extracts — that is no light charge to bring against any man; and, therefore, I must call your Lordships' attention to the circumstances from which the last debate arose. The noble Earl brought an accusation against the Commissioners that they had founded "foul charges" against the system of ragged schools solely on the evidence of Mr. Cumin on the only two towns he had visited. The noble Earl having been before that debate engaged in a newspaper controversy with Mr. Cumin, I knew what to expect. Now the Report, as far as it refers to the ragged schools, is not based on the evidence of Mr. Cumin alone, but on the testimony of forty or fifty other witnesses, whose statements fully justified the conclusions of the Report; and I read extracts from that testimony to show that there was much evidence adverse to the views of the noble Earl, and that there was none of that malignity which the noble Earl charges against the Assistant Commissioners. I read the whole evidence of policeman Handcock, who, I understood, was in the confidence of one of the most zealous promoters of ragged schools—Miss Carpenter. I remember distinctly saying, "I will draw out of the mouth of one witness most likely to be favourable to ragged schools a statement that, from his experience in London, he could not say that any facts he had observed justified the opinion that ragged schools have diminished juvenile crime." I did not profess to quote all the evidence I could find on both sides of the question. The Commissioners impartially examined the question; they gave credit to the promoters of ragged schools for having done much good; but they adhered to the opinion that the ragged schools were not such establishments as ought to receive grants of money from the Committee of the Privy Council. That is the whole gist of the Report, and of the Reports of the Assistant Commissioners. The noble Earl says that nothing can be so unfair—that these passages from the evidence are not given in the body of the Report. But, my Lords, why do we print evidence separately from Reports? I am sure we all feel that, if the Report had a special fault, it was that it contained too many passages from the evidence. Had we encumbered it with more, we should have made it unreadable; and if we had quoted every passage for or against a particular system, we should have reprinted in the Report nearly all the evidence in the five volumes. The noble Earl has made one charge of an extraordinary nature, and has repeated a marvellous error. He says we paid great attention to the evidence of Mr. Cumin, but that he could not find any quotation from any witness favourable to ragged schools. Accustomed, as I have been, to strange inaccuracies on the part of the noble Earl, I confess I was amazed for the moment, and could hardly conceive that he had made such a statement—because I perfectly recollected that we had quoted the great supporter of ragged schools, Miss Carpenter. I turned immediately to the Report, and I find that, so far from it being true that we quoted nobody but Mr. Cumin, the evidence of Miss Carpenter is quoted more fully. There are nearly three pages of Miss Carpenter's evidence given. Perhaps the noble Earl has done it more politely than he did on a former occasion, but, indirectly, he has made as strong, as unfair, and as unjustifiable charges against the Commissioners as he did more directly, and most violently, in the former debate. I little anticipated the noble Earl would go over the same ground this evening; but, with the advantage of having had time to examine it, he has attempted to answer the speech I made in the first discussion. He says, as before, that we have used language with regard to the ragged schools that is unjust and unfair. He says he should have been perfectly satisfied had we merely stated we did not consider them such institutions as ought to be patronized by the State; but that we had gone a great deal further, and condemn them as useless. I read various passages to show this is not the case; all we did was—what has been done over and over again by the Privy Council—to state our opinion that, without an entire change in the system of grants of the £800,000 given to the support of schools, ragged schools cannot be included in the number. I will not read any of the passages I read on the former evening, but there is one passage I did not read then. The noble Earl says it is an insulting Report, as it compliments the benevolence of the promoters of ragged schools at the expense of their judgment, and that if the compliment is true the Report must be false; while, if the Report is true, the compliment must be false. But, whether that be so or not, I feel bound to read one extract from our Report which will enable the House to ascertain whether we have laid ourselves open to the imputation of the noble Earl—

> "In order to avoid the appearance of ingratitude for service of the most valuable, disinterested, and self-denying character, we conclude our observations on this head by recording our strong opinion that no class of persons interested in popular education have conferred greater services upon the public, or services involving greater sacrifices of personal convenience and inclination than the managers of ragged and industrial schools, and similar establishments. We think that the time may come when these generous and charitable efforts may advantageously be replaced by a general system; but the fact that they first directed public attention to the subject, and that their labours showed the extent and urgency of the evil to be met, and the proper means of meeting it, ought never to be forgotten."

I will ask your Lordships whether that is a mere compliment to an individual? If the noble Earl thinks so, his mind must be so perverted upon this subject that it would be impossible to convince him. There is, no doubt, a compliment conveyed to individuals, but we go further, and say, "that they have conferred greater services upon the public," and "that they recognized the evil and the means to meet it." That, I submit, is a distinct recognition of the good which ragged schools have done. It goes on to say that a time may soon come when the system of ragged schools may be dispensed with, and the public money should not be granted to those schools—at least, not to a greater extent than at present. I do not know whether the noble Earl really cares about the returns for which he has asked, or whether he merely uses them as a means of renewing his attack upon the Commissioners and myself. As to the return of the names of the witnesses and schools, it will be impossible for us to give any considerable portion. How far the Assistant Commissioners may be able or willing to give the information I cannot say, but certainly they would be justified in refusing to give it. We appointed the Assistant Commissioners, and we told them how to make a complete inquiry and report to us. We have not seen their note books of evidence; our Report is founded upon their reports. As I said before, our inquiry was twofold — first, to obtain the statistics of education and schools; and next, to ascertain the progress of education. Upon the first branch the Assistant Commissioners obtained returns from every school in their district, and, no doubt, they have the names of those schools in their note books, if they have not destroyed them. I am not at all endeavouring to prevent the noble Earl from obtaining the information he seeks, and if he wishes it I will make a private representation to the Assistant Commissioners to ask if they are willing to furnish information; but I do not think it would be fair for us to call upon the Assistant Commissioners to give up their note books to be scrutinized not only by Parliament, but by persons who had been unfavourably, and perhaps invidiously affected by their inquiries. The noble Earl will perceive from our instructions to the Assistant Commissioners that our object was not to reflect discredit or blame on any school, that we did not wish that the names of parties or schools should be sent to us, and that if they were sent to us, we should not publish them in our Report. Therefore, I am not certain that, as regards the first part of the noble Earl's Motion, it will be possible to give it; but I repeat, that if he wishes it, I will appeal privately to the Assistant Commissioners to give such information as they can with propriety towards others and with justice to themselves, and allow it to be placed upon the Table. When the noble Earl goes on to ask for some returns from Liverpool and Manchester, I am equally as surprised as I was by his statement that we had omitted all reference to the evidence of the friends of ragged schools; because he must have seen from the Report, and gathered from my former statement, that Liverpool and Manchester were not included in the specimen districts to which the Assistant Commissioners were appointed. The reason for that was, that in respect of Liverpool we had a valuable report from a reverend gentleman named Howson as to the whole state of education in that town, and we thought it best to send the Assistant Commissioners to districts which had not been so carefully inquired into. I may here remark as a singular fact, that Mr. Howson, who was totally unconnected with us, and was acting solely with a view to ascertain facts in order to lay them before a body established for the promotion of Social Science, he, I believe, never mentions the ragged schools in the Report. Therefore, as far as Liverpool and Manchester are concerned, it will be impossible to give the returns. I may, however, take this opportunity of referring to a charge made by the noble Earl, that a Mr. Gillespie, who is connected with the ragged schools of Liverpool, had sent us certain documents and statistics, and that we had declined to insert them. I have had no opportunity of making further inquiries, but I am confident, from the information I have, that Mr. Gillespie did not make those returns, and that all that were received from Liverpool were inserted in the Report. I must leave it to Mr. Gillespie to explain the statement that the noble Lord has made. It is possible that there are some slight inaccuracies. I know, indeed, of one in the case of the independent schools; but an admission of the error, which arose from the accidental omission of a vote, has been given under the seal of the Commissioners. The greatest possible pains were taken to insure accuracy, and in the case of the independent schools, we corrected a numerical error in the returns which had been sent in to us. I really do not know that I need make any further observations upon the speech of the noble Earl. My answer has unavoidably been somewhat rambling, owing to my having had so little reason to anticipate this renewal of attack; but I may mention that, so anxious were the Commissioners to be just to the ragged schools, that on receiving Mr. Cumin's Report, which certainly in its general character was more unfavourable to the ragged schools than any other, we thought that before we came to a decision on that subject we would obtain as much evidence as we could on the other side. We, therefore, sent out a series of questions to no less than twenty-eight individuals of both sexes in different parts of the country who were most friendly to this class of schools, and from the largest portion of them we received answers. Mr. Cumin's Report was also submitted to Miss Carpenter, who had thus an opportunity of making any remark upon it. With respect to the Returns now moved for, I shall endeavour to get as much of the information asked for as I can, and to place it before the noble Earl and those who act with him; and if he should then desire it to be laid on the table it will be competent for him to make a proposal to that effect. But, with regard to ragged schools, we have no wish to conceal or keep back anything. I find that it has been stated in discussion in "another place" that this Commission has been extremely costly. I hope your Lordships will not think it improper if I attempt to disabuse the public mind on that point. I believe that this Commission, considering the extent of its task and the wide field over which its inquiry was conducted, was one of the cheapest as well as most laborious that ever sat. It was stated in the House of Commons that it must at least have cost the country £40,000. Now, I have ascertained that, so far from that being the case, including the salaries of secretary, assistant secretary, and clerks, the salaries of the ten Assistant Commissioners, and the cost of what was, in fact, an Educational Census, the whole charge to the public for the Commission—the printing Bill alone excepted—did not exceed £12,500. I can only say if the object is not to prejudice the case, or to bring unfair accusations against individuals who have performed a public duty, but to elucidate the truth, then I do hope, whenever this Report is again called in question, be it by the noble Earl or anybody else, that notice of an intelligible Motion shall be given beforehand, so that as Chairman of the Commission I may have an opportunity of coming prepared to answer any allegations that may be made against it.

Lord OVERSTONE expressed his regret that these discussions had been raised, because they originated in the most unaccountable delusions existing in the mind of the noble Earl who had brought forward the subject. At the same time he must say he thought the noble Duke had thoroughly exculpated the Commission, and refuted in a wholly satisfactory and honourable manner the imputations which had been cast upon it. Having looked carefully over the Report himself he was entirely unable to discover any ground for the charge of violent hostility to ragged schools which had been preferred against the Commissioners. The terms in which it referred to those schools were mild and reasonable. He had had some personal experience upon Royal Commissions, and knew something of the labours and anxieties connected with them, as well as of the misapprehensions and misrepresentations to which they must be exposed. He could, therefore, sympathize deeply with the Educational Commissioners in the attacks which had been made upon them for the manner in which they had contributed to the elucidation of a difficult subject, and rendered most valuable and important services to the public gratuitously. He had to thank them cordially for the satifactory manner in which they had performed a laborious and invidious task, surrounded as they were by great and various difficulties, and liable to misconstruction through religious and other prejudices. When the aspersions which had been cast upon them were all forgotten, the service which they had rendered by the well digested collection of so vast a mass of evidence, and the useful suggestions accompanying it would, he believed, live in the grateful recollection of the country.

The Earl of SHAFTESBURY, in reply, said he had never complained that the whole body of the evidence was not incorporated in the general Report. What he complained of was, that the condemnation of ragged schools rested, so far as that Report was concerned, upon the testimony of one Assistant Commissioner. He was most anxious to obtain the names of the parties who had given evidence. The noble Duke said the Motion was informal; if it were so he should certainly remodel it. If the Government felt they could consistently with propriety give him the information he wanted he should be exceedingly obliged.

The LORD CHANCELLOR advised the noble Earl to withdraw the Motion. He did not say it was informal, but if complied with it would form a very bad precedent.

The Earl of SHAFTESBURY was entirely in the hands of the noble Duke. If he could not consistently with his duty give the information desired, he would submit; if he could give it he would, perhaps, be kind enough to do so.

The Duke of NEWCASTLE said, he had just had the opportunity of speaking to a gentleman who had made up the statistical Returns, and tabulated them for the Commission, having bestowed on them much laborious and valuable attention. That gentleman confirmed every word he had uttered in his address to their Lordships and made this further statement with regard to Mr. Gillespie:—No fewer than thirty-six forms of returns had been sent down to him with a view to a return of the Lancashire schools, but not one of these forms had been sent back to the office. Mr. Gillespie, so far as the office was concerned, had taken no notice of these communications whatever. The Commissioners were anxious to make the best statement they could for everybody, even where the parties had neglected their own interests; having no returns from Lancashire, they were, therefore, obliged to avail themselves of any knowledge they could obtain, and all they did take was the Census of 1851. But these returns were, of course, incomplete. The blame entirely rested on the promoters of ragged schools themselves, who were the best parties to furnish the required information.

The Earl of SHAFTESBURY begged to say that he had been informed by Mr. Gillespie that he had sent to the Commissioners a copy of their Report for 1858, relating to forty-six schools, with an average attendance of nearly 6,000 children, which ought to have been included in the Report of the Commissioners.

Motion, by leave of the House, *withdrawn.*

House adjourned at Eight o'clock,
till To-morrow, half-past
Four o'clock.

HOUSE OF COMMONS,

Tuesday, June 11, 1861.

VOLUNTEER CORPS.—EXPLANATION.

Mr. CAYLEY observed that, in the course of the debate on the Volunteer Corps Vote the other evening, he had made a statement on a matter of fact which he found was not quite exact, and wished to correct it. He had stated that at the time of the massacre at Manchester, in 1819, the price of corn was 42*s.* a quarter. What he intended to say was that at the beginning of that year the price of corn was much higher than at the time of the massacre; that in consequence of the change in the value of money caused by the Act, commonly known as "Peel's Bill," which passed in the spring of the year, prices began to decline, accompanied by great distress, agricultural and commercial—that this decline in prices generally continued, together with great distress, till in two or three years, the price of wheat had fallen as low as 40*s.* or 42*s.* a quarter. The distress, therefore, was not owing to the Corn Laws, as asserted by the Member for Manchester, but to the change in the value of money, for great prosperity had existed for two years prior to "Peel's Bill," and again arose for a limited period subsequently owing to an illegitimate action on the currency in 1822-3. At the end of which time, namely, 1825, another commercial crisis took place, producing a general distress and discontent which produced the agitation for the Reform Bill in 1830.

CONSOLIDATION OF THE CRIMINAL LAW.

The SOLICITOR GENERAL said, he would move that the Offences against the Person Bill, the Larceny, &c., Bill, the Malicious Injuries to Property Bill, the Forgery Bill, the Coinage Offences Bill, the Accessories and Abettors Bill, and the Criminal Statutes Repeal Bill, all of which were on the paper for Committee, should be referred to the same Committee of the whole House.

Ordered,

"That the Offences against the Person Bill, the Larceny, &c. Bill, the Malicious Injuries to Property Bill, the Forgery Bill, the Coinage Offences Bill, the Accessories and Abettors Bill, and the Criminal Statutes Repeal Bill, be committed to the same Committee, and that they have leave to sit till Four of the clock, and report the same at Six of the clock."

On the Motion that Mr. Speaker leave the Chair,

MR. AYRTON said, it was true a Select Committee had carefully considered the details of these Bills, but then a Committee upstairs was by no means a satisfactory tribunal to deal with any great principles of criminal law. The Committee was composed of a large number of Members, but some of the important questions involved were decided by only five persons. Therefore, he hoped that any question of principle would be raised in the Committee of the whole House, in such a manner that it might be fairly discussed, and that the deliberate judgment of the House might be taken upon it. The first of those Bills contained a proposition of such magnitude, and one which the House considered so important, that on a former occasion it had the effect of changing the Government of the day; and surely it was impossible that the House, at a morning sitting, should review and reverse that decision. He wished, then, that those important questions should be reserved for the Report. There was only one technical difficulty, that no question could be raised upon the Report unless some Amendment was to be made in the Bill; but as he understood that some small Amendments would be proposed, he would not object to considering the Bills in the manner now proposed.

MR. W. EWART said, that he had given notice of a motion with respect to the punishment of death, but it was postponed in Committee because the question was considered of such great importance that it should be reserved for the consideration of the House. He entirely agreed with the remarks of the hon. and learned Member for the Tower Hamlets.

MR. HENLEY said, he had understood from the hon. and learned Solicitor General that the Bills were not likely to come on soon, and he was therefore surprised when the noble Lord at the head of the Government made a statement that they would be brought on at a morning sitting on Tuesday. He had himself in Committee divided the Committee upon the fourth Clause, which was carried only by the casting vote of the Solicitor General, and, therefore, he was resolved to take the sense of the House upon it. However, on the understanding that an opportunity for so doing would be afforded, as suggested by the hon. and learned Member for the Tower Hamlets, he would offer no opposition to the course proposed.

THE SOLICITOR GENERAL said, that he must express his surprise at the statement of the right hon. Gentleman opposite (Mr. Henley) as to the effect of a recent conversation which had taken place between them with reference to the time at which it was probable those Bills would be taken in Committee. He (the Solicitor General) had not the slightest recollection of any such conversation; and, therefore, either the memory of the right hon. Gentleman or his own must be entirely at fault. He certainly did state in answer to a question put to him by the hon. Member for Sheffield (Mr. Hadfield) that it was the determination of the Government to bring forward these Bills as speedily as the public business would permit. He (the Solicitor General) had given notice of certain Amendments which he intended to propose in the two Bills earliest in order, namely, the Offences Against the Persons Bill and the Larceny Bill. He had, likewise, some verbal Amendments to propose in the Malicious Injury to Property Bill, the Forgery Bill, and the Coinage Offences Bill. Therefore, not as a matter of concession or arrangement, but as a matter of right, it would be open to any hon. Member upon the report to introduce any Amendment which he might think fit. He had every reason to suppose from what took place in the Select Committee that no hon. Member would feel himself called upon to propose any Amendment in the Accessory and Abettors Bill. He hoped the House would allow the Bill to go into Committee, and proceed to consider the details.

MR. HENLEY said, the hon, and learned Gentleman might have totally forgotten the conversation, but he (Mr. Henley) could not have imagined that such a conversation had taken place.

MR. GEORGE expressed a hope that every possible effort would be made to carry these Bills for the Amendment of the criminal law, through the House with as little delay as possible.

OFFENCES AGAINST THE PERSON BILL.

COMMITTEE.

House in Committee.

(In the Committee.)

Clause 1 (Murder),

MR. DENMAN said, he would suggest that the hon. Member for Dumfries (Mr.

Ewart) who had a notice of Amendment on the paper for the substitution of a lesser punishment for the punishment of death, should consider whether another and better opportunity might not be taken of discussing so important a question than upon a Bill of so limited a scope as that before the Committee.

Mr. W. EWART said, that he would consider whether or not he would propose his Amendment on the Report.

Colonel FRENCH said, he thought that not to go into the matter, while the Bill was in Committee would be contrary to usage.

Mr. M'MAHON said, that if the Bill were passed through Committee, and on the Report a Motion such as that of the hon. Gentleman's (Mr. Ewart's) were carried, it would be necessary to alter the second clause and expunge the third altogether, and then to re-enact others. He, therefore, thought it would be better to bring the Motion forward on a distinct occasion.

The SOLICITOR GENERAL said, it would be quite competent for any hon. Member to move an Amendment when the Report was brought up.

Mr. SOTHERON ESTCOURT suggested that the most convenient course would be to bring the question of the abolition of the punishment of death forward in a specific Bill.

The SOLICITOR GENERAL said, he wished to point out that if the Amendment for the abolition of the punishment of death were carried in respect of the Bill, it would only refer to the crime of murder, and there would still be several offences for which the punishment of death was imposed.

Mr. BUTT said, he also would suggest the bringing forward of the Motion on a subsequent occasion. He (Mr. Butt) entertained a strong feeling that they should not pass a law re-enacting the punishment of death.

Clause *agreed to,* as were also Clauses 2 to 19 inclusive.

Clause 20 (Inflicting bodily Injury with or without weapon),

The SOLICITOR GENERAL said, he had to propose an Amendment, substituting the alternative punishment of penal servitude for three years or imprisonment not exceeding two years. The same Amendment, he explained, would apply to several subsequent clauses.

Amendment *agreed to.*

Clause *ordered* to stand part of the Bill.

Remaining clauses *agreed to.*

LARCENY, &c., BILL.

COMMITTEE.

Clauses 1 to 3 *agreed to.*

Clause 4 (Punishment for simple Larceny),

The SOLICITOR GENERAL said, he had to propose the same Amendment as in the last Bill, to substitute the alternative punishment of penal servitude for three years or imprisonment not exceeding two years.

Amendment *agreed to.*

Clause *ordered* to stand part of the Bill.

Remaining clauses *agreed to.*

MALICIOUS INJURIES TO PROPERTY BILL.—COMMITTEE.

Clauses 1 to 12 *agreed to.*

Clause 13 (Tenants of Houses, &c., maliciously injuring them),

Mr. M'MAHON said, he objected to the clause on the ground that it made the removal of fixtures by a tenant, punishable by the criminal law, instead of leaving such questions to be settled, as hitherto, in the civil courts. The clause had been taken from an Irish Act, but he objected to the introduction of such stringent provisions from Ireland, where they had been productive of no good, but of much evil.

The SOLICITOR GENERAL said, the law had worked satisfactorily in Ireland, and he would remind the hon. and learned Member that one of the objects of these Bills was to assimilate the laws of England and Ireland in the matter to which they related.

Clause *agreed to,* as were also the remaining clauses.

COINAGE OFFENCES BILL.

COMMITTEE.

Clauses 1 to 30 inclusive *agreed to.*

Clause 31 (Any Person may apprehend any Person committing any indictable Offence against this Act),

Mr. M'MAHON said, he objected to the clause, as it gave power to any person who thought a coin bad to have the utterer committed to prison. That was a new power, and one that was altogether unnecessary. Nothing was more common than for a person to make a mistake in the genuineness of a coin; and he may instance the case of a young lady, who a few years ago was given into custody in Regent-street, for passing a bad half-crown, which was afterwards discovered to be a good one. He hoped the clause would be withdrawn.

The SOLICITOR GENERAL said, the clause was meant to meet the case of persons who made a trade of passing bad coin, and who, if not apprehended at once, were generally sure to escape. The clause was only an application of the common law—that a person taken *in flagrante delicto,* might be apprehended without warrant, and the person who apprehended any one would do so at his own peril.

MR. CROSS said, he thought that if the common law was as stated by the Solicitor General, it ought to be extended to all offences, and not confined to that one only. The power which the clause gave was new, and a very dangerous one.

MR. DENMAN said, the clause had been very fully considered by the Select Committee, and it was considered necessary for the protection of traders against traffickers in bad coin. The same words were introduced into the Bills relating to offences against the person; and it should be borne in mind, that when a person was apprehended, it was at the peril of the person who caused the apprehension.

MR. HUNT said, the danger was that persons who innocently passed bad coin might be apprehended on the spot by any person who chose to do so.

MR. BARROW said, the clause would introduce a species of Lynch law into the country hitherto unknown, and would be dangerous to the liberty of the subject.

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided:*—Ayes 65; Noes 7: Majority 58.

Remaining Clauses *agreed to.*

House *resumed.*

Bills *reported;* as amended, to be considered on *Monday* next.

CHURCH RATE ABOLITION BILL. QUESTION.

MR. SOTHERON ESTCOURT: I wish to ask the hon. Baronet opposite, the Member for Tavistock, Whether the perusal of the draft of the Bill I forwarded to him on Friday last has induced him to make an alteration in his intention to proceed with the Bill for the Abolition of Church Rates, and if he still intends to proceed with that Bill I should like to know whether he will proceed with it on the day named—the 19th instant?

SIR JOHN TRELAWNY: Sir, it is my intention to proceed with that Bill on the day named, unless the Government will give me a day on which I shall be more certain to bring it on.

DISTRICT REGISTRARS OF THE COURT OF PROBATE.—QUESTION.

EARL JERMYN said, he wished to ask the Secretary to the Treasury on what basis the Salaries of District Registrars, appointed under the Probate Act of 1857, and hitherto paid by Fees, has been calculated, and whether he would have any objection to laying any Treasury Document which there may be, explanatory of such calculation, on the table of the House?

MR. PEEL said, the basis on which the Treasury had proceeded was, the number of grants in the different districts of the registrars for each of the last three years; also, the emoluments of the officers in those years, the relative importance of the places in which these registrars were situate, and the amount of probate duty paid into the Treasury. There were no documents connected with the matter except the Treasury Minute, which was already before the House.

THE BOTANIC GARDENS AT GLASNEVIN.—QUESTION.

MR. COGAN said, he would beg to ask the Vice President of the Council of Education, Whether the Department of Science and Art have received any information from the Royal Dublin Society that, at a special meeting of its members on Monday last, it was resolved to refuse compliance with the desire of the Department that the Botanic Gardens at Glasnevin should be open to the public after the hours of Divine Service on Sundays; and, if so, whether it is intended to take any further steps to secure the carrying out of this object?

MR. LOWE said, he had to express his regret that he had been prevented by unavoidable business from attending in his place on the preceding evening for the purpose of answering that question. The Department of Science and Art had received a communication of the description to which the hon. Gentleman referred from the Royal Dublin Society. That Department had given it as their opinion that the Glasnevin Gardens should be open on the Sundays in the same way as the gardens at Kew and at Hampton Court; but they had no power to coerce the Society to throw open those gardens, unless they were to recommend to Parliament to withdraw the sum voted for that purpose; and that course they were not prepared to take. The Society were to receive £8,000 from Parliament this year, against a sum of £1,300 subscribed by its members; and the proper time for the consideration of the question would be when the Estimate was brought before the House.

TROOPS FOR CANADA.

QUESTION.

Mr. ADDERLEY said, he wished to ask the Under Secretary of State for War, Whether it is true that three more Regiments of Infantry and a force of Artillery are under orders for North America, and that the *Great Eastern* Steam-ship has been engaged for their transport; and, if so, for what locality they are destined, and whether they are to be paid for from the Imperial or Colonial Treasury; and if from the former, whether such expenses has been provided for in the Estimates?

Mr. T. G. BARING said, that two regiments, in addition to the regiment before under orders for Canada, had been directed to proceed to that country, as well as a field battery of artillery. He believed, although he had no positive information of the fact, that the troops were to proceed in the *Great Eastern* steam-ship. With respect to the payment of these troops, he had to state that it was already provided for in the Votes of that House, and no additional expenditure would be incurred on that account. There would be no extra allowance made to those troops, and the cost of their transport would be included in the Navy and not in the Army Estimates.

THE ORDNANCE SURVEY.

QUESTION.

Mr. HEYGATE said, he would beg to ask the Under Secretary of State for War, Whether, in accordance with the recommendation of the Officer superintending the Ordnance Survey, it is the intention of Her Majesty's Government to extend the cadastral Survey to the remaining three-fourths of England and Wales, so soon as the Survey of Northumberland and Cumberland shall have been completed?

Mr. T. G. BARING said, during the last Session of Parliament his noble Friend the Secretary of State for War announced that no extension of the cadastral or large scale survey would take place without a further inquiry before a Committee of that House, and it was his (Mr. Baring's) intention to move in the course of the present Session to consider whether or not it was expedient that the cadastral survey should be extended.

SYRIA.—EXPLANATION.

Lord JOHN RUSSELL: Sir, with respect to negotiations which had been going on at Constantinople with regard to a settlement of the affairs of Syria, I said that I hoped to be able this week to state to the House what has been done upon the subject. I am now able to state that, although the details are not completed, there has been a meeting of the representatives, and they have agreed upon the main question—namely, that there shall be a Christian Governor of the Lebanon.

ARMY (COLONELS).—ADDRESS MOVED.

General LINDSAY said, that he rose to move the Resolution of which he had a notice on the paper to address Her Majesty to take into consideration the present position of officers promoted to the rank of colonel for distinguished service in the field in 1855 and 1856; but as Her Majesty's Government had agreed to the address, and intended to appoint an official Committee, it was only necessary for him to show that he had brought forward a case deserving the attention of the House. He did not give notice to move for a Commission, because there had been two Royal Commissions in 1854 and 1858, and he thought the subject was so well understood that no further inquiry by those means was necessary. The officers whose claims he advocated were the most distinguished of their rank during the Crimean war. They obtained that rank in 1855 and 1856. On the 28th of November, 1854, a new system was introduced, by which it was settled that no officer should rise to the rank of colonel except by serving three years in command of a regiment. While the system was being carried out in the following two or three years, these officers were promoted to the rank of colonel for distinguished service in the Crimea, and they fell into their places according to the dates at which they were promoted. But the effect of the rule of November, 1854, was that it applied to a great mass of distinguished lieutenant colonels who obtained their rank previously. It was at the time considered unjust, and during the next three years it became so intolerable that several Motions having been made in the House on the subject, Her Majesty's Government appointed a Royal Commission for the purpose of investigating the case of those officers and other matters. The Commissioners acknowledged the injustice done to the superseded lieutenant colonels, and advised that they should be replaced in their former rotation in the list. The injury done to the distinguished service officers was by the mode in which the superseded lieutenant colonels were reinstated. They were reinstated by antedating their commissions before November, 1854. There was no necessity for antedating them. It might have been done in another form, but it was done, and Lord Herbert informed him that during the consideration of the Report of the Commissioners of 1858 the claims of the distinguished service officers, who were a small body compared to the whole mass of officers, were overlooked. Having thus stated the means by which these distinguished service officers had been made to forfeit the position which they had enjoyed at the time they were promoted for those services, it would be sufficient to show to what extent they had been injured. They were affected in two ways—first, in the position which they held with regard to the chance of rising to the rank of general; and second in the position which they held with regard to the seniority and priority for command. The first case he would notice was that of Sir Thomas Troubridge, who was one of the aides-de-camp when Her Majesty distributed the first medals granted for the Crimean war. That gallant officer lost eighty-five steps—that was to say, he was eighty-five steps further removed from promotion to the rank of general. He would name three or four officers who obtained rank for their services in the Crimea, and had been serving in India, and who had since lost their position:—Colonel Percy Herbert, Colonel Edwards, the Earl of Longford, Lieutenant David Wood, and Lieutenant George Barker. At the close of the Indian mutiny, after serving in two wars, they found themselves not one whit better off than if there had been no war at all. Colonel Lake, who assisted Sir Fenwick Williams in the defence of Kars, was promoted in September, 1856, and he had lost fifty-six steps in proximity to the position of general. With regard to the second division of the inquiry, as to command, Colonels Gordon and Chapman had lost nine steps in their own service, and 104 steps in the collective service. If an army were in the field the Commander-in-Chief had detached commands to give, on which officers would serve; and, therefore, for such commands Colonels Gordon and Chapman found themselves 104 further off than they would have been had they remained in their former position. That was entirely separate from the principle of selection, because if the senior officer was killed and the second in command was at the top of the list he would naturally succeed to the command. He did not wish to criticise the conduct of any of the officials concerned. It was well known that the Government had simply carried out the recommendations of the Royal Commissioners of 1858, and Lord Herbert said the case of these distinguished service officers was overlooked. If they were reinstated in their former position, the natural result would be to alter the position of other officers, and some who had gone above would have again to come below them. He regretted it, but their case would also come before the Committee which the Secretary of State intended to form, and their interests would receive fair consideration. He would not detain the House further; but, with the conviction that the case would receive that attention which Her Majesty's Government had promised to give it, he would move,—That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to take into consideration the present position of the Officers promoted to the rank of Colonel for distinguished service in the field during the War in the East in 1855 and 1856, who, when the List of Colonels was revised in 1858, were unfortunately overlooked in the recommendations of the Royal Commission of that year, by which their prospects in the Service have been seriously injured.

Mr. T. G. BARING said, the hon. and gallant General was quite correct in stating that the Government had assented to the

Address which he had moved, and that it was the intention of the noble Lord at the head of the War Department, in conjunction with His Royal Highness the Commander-in-Chief, to appoint a Committee to consider the position of those officers who were promoted to the rank of colonel for distinguished services in the field during the Crimean war. Under these circumstances it would be obviously inexpedient to discuss the question at that moment, or enter into any detail as to the circumstances which had placed them in their existing position. The hon. and gallant Member had also stated quite correctly that the present position of those officers depended upon the Reports of two Royal Commissions, and that no blame could be laid on the administration of the army in the matter. He was sure that no one would be more willing than His Royal Highness to recognize the merits of the officers in question; and it would be observed that seven or eight of them were either now employed or had been very recently employed in the Horse Guards. He trusted that, although the question had, through ante-dated and post-dated commissions, been encumbered by technical difficulties of too complicated a character to be readily explained, some mode might be found of meeting the case.

Colonel DUNNE said, he could not but complain of the unfortunate position in which military men were placed by the vacillation of the War Office. An *ex post facto* order had deprived Indian officers, except under certain conditions, of the brevet rank of colonel to which they were entitled by a former arrangement. A Royal Commission had recommended that these officers should be replaced in the position from which they had unjustly been removed; but, owing to the irregular promotions of the War Office, the matter could not be set right except by doing injustice either to one set of officers or to another. Again it had been the rule that an officer should be entitled to half-pay after twenty-one years' service, but a recent order had fixed the necessary period of service at twenty-five years. The consequence was that many officers who had retired as entitled to half-pay were liable to be called upon to serve the additional period. In conclusion, he wished to ask the hon. Under Secretary when the account of the Reserve Fund which had been promised would be submitted to the House?

Mr. ELLICE (Coventry) said, he was glad that his hon. Friend had acceded to the Motion, though he had never seen on the part of the noble Lord at the head of the War Office, or on the part of the Commander-in-Chief, any disposition to act otherwise than with the greatest liberality and fairness in the matter of promotion to all branches of the service. The Commission of 1854 recommended that no officer should be promoted to the rank of colonel until after he had seen three years of effective service; that recommendation was adopted by the military authorities. In carrying it into effect certain officers complained that they had been omitted, having a right to be included in the list of promotions, and in consequence of that complaint a second Commission was appointed in 1858. That Commission reported that these officers had reason to complain, and that justice ought to be done them by placing them in the position they would have been in if they had not been so unjustly treated. The position of the officers the hon. and gallant General had brought before the House was this:—They were promoted between the promotion of the lieutenant colonels originally promoted, and those whose complaints were referred to the Commission. Then the question arose whether the promotion of the latter officers was rather a matter of favour than a matter of right and justice, and in either case there was a difficulty. These alterations could not be made without causing some complaint, and he thought it right that when a complaint arose it should be dealt with in the way proposed by his hon. Friend. While he was speaking on the subject he would mention a case of another kind, which he thought ought to be brought before the House. Nearly thirty years ago a Committee of that House, on which the noble Member for the City (Lord John Russell), the right hon. Member for Carlisle (Sir James Graham), and Sir Robert Peel sat, recommended that no staff appointments should be held by any officer for more than five years. About twenty-five years after the Committee made that recommendation it was adopted by his noble Friend at the head of the War Office, but Sir Edward Lugard had been taken from the category of officers on the staff and placed as permanent Under Secretary in the War Office. There could not be a better officer selected than Sir Edward Lugard, but he had the greatest objection to that appointment, because it was a deviation from the rule.

Colonel NORTH said, he could not but express his surprise that the right hon. Gentleman should have brought forward such a complaint. He must have forgotten that Sir E. Lugard was taken from half-pay and not from the staff. If it was a regulation that a staff officer should only only serve five years, why, he asked, was that regulation to be confined to the army and navy officers, why should it not be applied to civilians? The name of Sir E. Lugard must be known to every one from his gallant services; he was chief of the staff during the whole of the war under Lord Gough; he went out as chief of the staff to the Persian war; and greatly distinguished himself in the Indian mutiny; and if that did not entitle an officer to all the rewards which could be bestowed upon him he did not know what would.

Sir GEORGE LEWIS said, the right hon. Gentleman (Mr. Ellis) had introduced a question quite foreign to the Motion before the House, namely, whether a rule that officers who had staff appointments should only hold them for five years had been violated, and he took occasion to illustrate it by referring to the appointment of a permanent secretary in the war department. He thought that was a very inconvenient mode of discussing the matter, and if the right hon. Gentleman wished to call the appointment in question, he should submit a separate Motion, or take some other opportunity of doing so. He (Sir George Lewis) would, therefore, only enter his protest against its being supposed that the Government acquiesced in the doctrine that the right hon. Gentleman laid down. He could not admit that the office of permanent secretary could be considered as an army staff appointment, or that there might not be good reasons why a General officer should be appointed to that office, and should hold it upon a tenure different from that of an ordinary staff appointment; nor must it be understood that the Government at all concurred in the views of his right hon. Friend.

Mr. DANBY SEYMOUR expressed a hope that not only the case of the officers complaining, but that of others who had been aggrieved in the same manner, would be brought before the notice of the Committee; and that, above all things, it would be fairly constituted, so as to enable it to lay down some general sound principle.

Captain JERVIS said, he would thank the hon. and gallant Gentleman for submitting the matter to the House, for it was a question of justice to the whole of the ordnance corps. He knew two officers of that corps, who having, contrary to the rules of the service, obtained the command of brigades in India, and received the Knight Commandership of the Bath for their conduct in that capacity, had been superseded by officers promoted under the warrant of 1858.

Motion *agreed to.*

Resolved,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to take into consideration the present position of the Officers promoted to the rank of Colonel, for distinguished service in the field during the War in the East in 1855 and 1856, who, when the List of Colonels was revised in 1858, were unfortunately overlooked in the recommendations of the Royal Commission of that year, by which their prospects in the Service have been seriously injured."

MR. BARBER'S CASE.—RESOLUTION.

Mr. BRADY said, he rose to move as a Resolution, That the strong claims of Mr. Barber upon the favourable consideration of the Crown, referred to in the report of the Select Committee on the petition of William Henry Barber, made upon the 7th day of July, 1858, have not been satisfied; and that the circumstances set forth in his petition to this House, presented upon the 2nd day of May instant, in reference to such claims, are entitled to the consideration of Her Majesty's Government. The case of Mr. Barber had been brought before the House by Lord Ebrington when Member for Marylebone. The noble Lord then went into its minutest details, and made the House fully acquainted with all the facts connected with it. In his petition Mr. Barber alleged that he had been convicted of forgery and transported to Norfolk Island, where he remained for two years and a half; that the only evidence by which he could have proved his innocence had been kept back; and that he had in addition to his sufferings sustained a considerable personal loss. In 1858 he (Mr. Brady) moved for a Committee of Inquiry, which was granted him, and which sat for four days. That Committee, which was presided over by the noble Lord the Member for the East Riding, and numbered amongst its members gentlemen connected with the Treasury, took all the evidence that could be laid before them. They unanimously decided that every allegation contained in Mr.

Barber's petition was proved, and that he had suffered cruelties and persecutions which could not be expressed. In consequence of their Report a sum of £5,000 was granted to that gentleman. That amount was totally insufficient to compensate him for the losses and sufferings which he had undergone. His personal expenses, in consequence of the treatment to which he had been subjected, amounted to £4,895: and in satisfying the courts of law of his innocence, and in regaining his position, which it took six years to accomplish, he was obliged to spend £3,700 additional. When the Vote of £5,000 passed the House, he (Mr. Brady) had felt unwilling to raise the question, as it was agreed to at a late hour on Wednesday afternoon. On the 2nd of May last the petition was presented to which his notice of Motion referred. That petition stated that, previous to his conviction, Mr. Barber was in receipt of a professional income of upwards of £1,000 a year. All he (Mr. Brady) now asked was the comparatively trifling sum of £3,700, which was the amount that had been expended in Mr. Barber's happily successful endeavours to reinstate himself in his profession.

SIR FITZROY KELLY seconded the Motion.

SIR GEORGE GREY said, he could hardly think the House would be disposed to agree in the Motion made by the hon. Gentleman opposite. In these cases of pecuniary claims brought forward by hon. Members on behalf of those in whom they were in any way interested there ought to be something like a statutory limitation, as the practice was becoming rather common of repeating claims after they had been rejected over and over again. The present was even a stronger case, for it had been favourably considered, and a sum of money actually voted in full satisfaction by the House. On what grounds, then, could the hon. Gentleman ask the House to agree in his Motion? The case of Mr. Barber was peculiar in this respect, among others, that it was the only one in which, a failure of justice having taken place, and it being afterwards believed that the person was improperly convicted of crime, pecuniary compensation had been granted by the House in consequence of the losses which had been sustained. There were, no doubt, peculiar circumstances, connected with the treatment of Mr. Barber, taking this case out of the common class, and exempting it from the ordinary rule, and the Government of the Earl of Derby having fairly, and, he might say favourably, considered the Report of the Select Committee, to the appointment of which they themselves had consented, recommended that the sum which the hon. Member for Leitrim regarded as paltry, but which many Members of that House regarded as a generous and liberal compensation, should be included in the Estimates. A change of Government having taken place before the Vote was passed, it was retained by the next Government in deference to the opinion of their predecessors; and it was agreed to without any remonstrance on the part of the hon. Member for Leitrim.

MR. BRADY said, he was about to propose an Amendment, but the Chairman of the Committee told him that it could not be put. The Members were then dividing, and it was so near six o'clock that it was not thought possible to proceed any further after the division.

SIR GEORGE GREY said, he was glad to be reminded of the circumstances, for he now remembered that the decision was come to after discussion, and after a division had actually taken place. If an intimation had been made that the former grant was not to be considered a final settlement, he thought there would have been great objection to voting the £5,000. He did not now wish to imply any doubt of Mr. Barber's innocence, but at the time he had to deal with his case, after having the assistance of the present Lord Chancellor, he could not conceal from himself that there were great difficulties in it, and that there were circumstances of great suspicion in the conduct of Mr. Barber. Those circumstances were afterwards cleared up; but it was in consequence of their existence that the Court of Queen's Bench took so long a time to consider the case. He, therefore, thought it was unreasonable to ask the House for the amount of the expenses to which Mr. Barber had been put in reinstating himself in his profession when a sum of £5,000 had already been given to him. If the House granted this further sum of £3,700, Mr. Barber would have received nearly £9,000; but there would be nothing to prevent some hon. Member coming forward at a future time with a statement that that was a paltry sum, and a demand for a further payment, to cover some other expenses. He must say that he thought the House had acted in a liberal spirit, and voted a sum which ought to cover every reasonable demand which Mr. Barber could have against the public.

Sir FITZROY KELLY said, he could quite understand that if this were the first occasion on which this question was brought before the House, the observations of the right hon. Baronet would be, as indeed they always were, of great weight. It might be said that a claim was being made on the House and upon the resources of the country which he (Sir FitzRoy Kelly) was bound to admit was altogether unprecedented. But the features of the case were so extraordinary, the claim of Mr. Barber was so strong, and the arguments adduced in its support were so irresistible, that for the first time in the history of the country the House of Commons felt bound to establish a precedent, and to come to the relief of Mr. Barber. The same question was now raised, and it was one of the deepest moment to Mr. Barber. He himself had argued the case before the Court of Queen's Bench; and after failure of two very eminent counsel he felt disinclined to attempt it. Upon Mr. Barber's earnest request he consented to dedicate an Easter vacation to a full and complete investigation of the matter. He and the other counsel employed had, of course, acted perfectly gratuitously for Mr. Barber. When the case was again brought forward, Mr. Justice Erle, who had been counsel for the prosecution against Mr. Barber, and all the other Judges on the bench, were unanimous in thinking that Mr. Barber had been unjustly accused, that he was the victim of an accidental but great injustice, and they restored him to the rank of an attorney. It was only just to add that he had actually lost in hard money a sum of money bordering on £5,000 in defending himself upon the erroneous conviction. That sum the liberality of the House granted to him. But in attempting to replace himself in his former position he had expended some £3,000 more. He had at last succeeded in asserting his innocence, and in being restored to his rank as attorney; and would have been in a state of utter destitution, and penniless, were it not for his profession. The debt of £3,700 was now pressing upon him, and he must pay it out of his hard earnings, unless the House would consent to do him that tardy act of justice. The sum asked for was a miserable one—a mere trifle, and if the principle laid down by the Vote of £5,000 was to be observed, the present application ought to be acceded to.

The CHANCELLOR of the EXCHEQUER said, that both the hon. Members who had spoken last had regarded the question as being of exceedingly contemptible importance as far as the public were concerned, but of importance to Mr. Barber. He fully admitted that a subject of this kind ought to be regarded without reference to the amount of the sum asked. That was not the question on which the decision of the House should be taken; but he could not agree with the hon. Members who had advocated the claim that the sum was so inconsiderable a one as they seemed to think it. Mr. Barber had already received £5,000, and the House was now told that that was a paltry pittance; but the amount now asked, with the £5,000 already granted, did not represent the claims of Mr. Barber, for the speeches made in his behalf told them so. If the £3,700 were now granted, the hon. Member for Leitrim might come forward again next year. [Dr. Brady: No.] Well, when the £5,000 was given the hon. Gentleman did not reserve any right to come forward and make a new demand. Had he done so—had he allowed the House to see a glimpse of his intention—it was possible that that circumstance might have had a material, and, probably, an adverse influence on the Vote. He must express his regret that his hon. and learned Friend opposite (Sir FitzRoy Kelly), who was Attorney General to the Government who recommended the Vote of £5,000, should now, in his independent capacity, be leading an assault on the Treasury for an addition to that sum. The argument of his hon. and learned Friend went to this—that whenever a person who was not guilty of the crime with which he was charged was found guilty in a court of justice, he was entitled to bring against the public a claim for pecuniary compensation. He challenged his hon. and learned Friend to make good that proposition.

Dr. BRADY: This was a Government prosecution.

The CHANCELLOR of the EXCHEQUER: If the Government prosecuted, they did so in the public interest, and no distinction or no additional argument could be drawn from that. The matter did not turn on the question whether the Government was the prosecutor, but on the question whether, when one of the tribunals which were bound to convict the guilty unfortunately convicted the innocent, the public were bound to make pecuniary compensation? Neither the Committee nor the Government had ever adopted a principle so extravagant as that claims of a pecuniary nature were to be advanced by individuals because they had the misfortune to be convicted in a court of justice when they were not guilty. The case of Mr. Barber presented peculiarities of a different character, and the manner in which the sentence was applied, and the sufferings Mr. Barber underwent in consequence, constituted the peculiarities of his case. But the statement of the hon. and learned Gentleman proceeded on the principle that all persons who had suffered detriment in consequence of an erroneous conviction in a court of justice were entitled to bring a claim for compensation against the public Exchequer. That was a question of enormous importance, and it would be a portentous innovation if any such principle were to be laid down. Fifty other cases might be brought forward with as plausible arguments in their favour, if it were to be established that it was because of the erroneous conviction, and not simply from the suffering he had undergone, that Mr. Barber had received compensation. He felt bound to say that questions of the kind could not be entered upon without starting a great many separate inquiries. Apart from the question of guilty or not guilty, one might be raised with regard to the prudence of the conduct of the gentleman in question. All such matters, and they all more or less affected character, would have to be ripped up and examined if the extraordinary principle was to be established, that the House of Commons ought to compensate every man erroneously convicted for the pecuniary loss he had suffered in consequence. He trusted the House would refuse to entertain the Motion.

MR. LONGFIELD said, that in consequence of a gentleman, who had already received £5,000 of public money, making another demand for £4,000, he had felt it his duty to examine carefully the evidence relating to the case. It was painful, when a gentleman—a martyr in this case—would stir up things which had better be allowed to remain quiet. Mr. Barber, in the course of his professional duty as an attorney, was the innocent instrument by which no less than four forged documents were imposed on the Bank of England, and upon one of these documents he was tried and convicted. He had read the Report of the Select Committee in reference to the case, and if the Committee were satisfied with the evidence of Mr. Barber and three or four other gentlemen, the Committee were certainly most humane, but he could not compliment them on being discriminating, for any bench of country magistrates would have come to the verdict which a jury was said once to have brought in—"Not guilty, but we recommend him not to do it again." Mr. Barber, if he had not suffered indignities and annoyances from the Governor of Norfolk Island, would not probably have obtained the sympathy he received, together with £5,000 of public money. Parliament thought they had a measure of kindness to deal out to one who had suffered malicious and malignant indignities beyond the intention of the law, and for that reason, and not upon the principle that any persons wrongly convicted were entitled to compensation, voted a sum of money to him. Mr. Barber had had an ample measure of justice from the Government, and it was to be regretted that he had not been content with what he had got, and with his restoration to his profession and position.

MR. MAGUIRE said, he should be sorry if the House were to pronounce its decision influenced by the speech just delivered, which, from its want of generosity, contrasted strongly with the speech of the hon. and learned Member for East Suffolk. One might suppose that the hon. and learned Gentleman (Mr. Longfield) was arguing like a counsel for the prosecution with all the rancorous enmity—

MR. LONGFIELD rose to order. He submitted that the expressions which had just fallen from the hon. Member were not regular.

MR. MAGUIRE said, he would say "professional prejudice."

MR. LONGFIELD said, he must really protest against such language being allowed.

MR. MAGUIRE said, he meant only to say that the hon. and learned Gentleman showed that kind of feeling which might be supposed to be entertained by a counsel who had been unsuccessful in his advocacy. The Chancellor of the Exchequer and the hon. Baronet on the Treasury bench had acknowledged Mr. Barber's innocence; he had been pronounced innocent by a court of law, by the late Government, and by the House of Commons, and, therefore, in

God's name, let no one rise in the House to damage the character of that unfortunate gentleman. When a man was alleged to have committed a crime he was prosecuted by the public, and if that prosecution did him injury, he being innocent, he had a right to appeal to the nation, and through no other tribunal could he so properly appeal as through the high court of Parliament. He should offer no observation upon the merits of the case, but he merely asked the House to take the decision already given in regard to Mr. Barber's innocence, and not to decide upon the remarks of the hon. and learned Gentleman.

Mr. BRADY, in reply, denied that Mr. Barber had the proper appliances at his command for his defence; his books were taken away, and the Crown actually kept away his partner on the pretence of bringing him forward as a witness, and not calling him.

Mr. Serjeant PIGOTT said, the question was one of principle—whether all persons who had been convicted in courts of justice "without probable cause" had a right to come to that House for compensation. Such a doctrine could not be admitted. The case now presented was an appeal *ad misericordiam*, and if the House were to go into all the cases of individual hardship which might be brought before it from the criminal law courts no Session would be long enough, and no Chancellor of the Exchequer would be able to promise a surplus.

Mr. MALINS said, he felt that there was great force in what had been said on both sides. It was a hardship that a man who had been erroneously found guilty of a crime and had suffered the penalties of the law should not be entitled to compensation for the expense he was put to in recovering his status in society; but at the same time there was great force in the observation of the Chancellor of the Exchequer that these were perils to which every one was exposed. He supported Mr. Barber's claim when it was last under discussion, but when the £5,000 was granted he considered the question settled, and he was surprised to find that three years after that grant a further claim was made; but while upon that ground he could not support the Motion, he thought Mr. Barber fully entitled, after the investigation the case had received to be considered as a perfectly innocent man, and he was sorry that his hon. and learned Friend (Mr. Longfield) had thought proper again to raise doubts upon that of which the country no longer entertained any doubt.

Mr. BRADY said, that as he saw that the feeling of the House was against him, he would beg leave to withdraw his Motion.

Motion made, and Question,

> "That the strong claims of Mr. Barber upon the favourable consideration of the Crown, referred to in the Report of the Select Committee on the Petition of William Henry Barber, made upon the 7th day of July, 1858, have not been satisfied; and that the circumstances set forth in his Petition to this House, presented upon the 2nd day of May, instant, in reference to such claims, are entitled to the consideration of Her Majesty's Government."

Put, and *negatived.*

AFFAIRS OF NEW ZEALAND.

RESOLUTION.

Sir JOHN TRELAWNY said, he rose pursuant to notice, to move—

> "That this House has heard with surprise and concern that the Governor of New Zealand has used Forces, entrusted to him by Her Majesty for the protection of the inhabitants and the impartial administration of affairs within that Colony, in depriving several of Her subjects of certain property in land situate on the River Waitara, such property having been tendered for purchase by Teira, a member of the Ngatiawa Tribe, who had no power to sell without the consent of his chieftain, Wiremu Kingi."

This was a subject that affected the honour of the House of Commons, and if it endorsed the conduct of the Governor of New Zealand it became a *particeps criminis* in the course which had been pursued by the Government towards the natives of that country. The subject was also one which affected the power of England and the honour of the Crown. His attention had been drawn to that country by the grant of £500,000; and he considered that especial care should be taken as to how the natives were treated. It had been suggested that the natives should send Members to the House; and he could assure the House that they had recently made extraordinary progress in many ways. They had schools and clergymen, whom they paid; and many of them were educated and able men. He did complain of the manner in which they had been treated, especially in regard to their rights to their land. As far as the rebellion was concerned, he wished it to be distinctly understood that he was in favour of putting down rebellion and re-establishing Her Majesty's authority. But he wished the House of Commons to reflect that in endorsing the conduct of Governor Brown, they were taking upon themselves great responsibility, and rendering themselves liable for all that had been done.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

House adjourned at a quarter after Eight o'clock.

HOUSE OF LORDS,

Wednesday, June 12, 1861.

MINUTES.] *Royal Assent.*—Customs and Inland Revenue.

Their Lordships met; and having gone through the business on the Paper—

House adjourned at a quarter before Five o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Wednesday, June 12, 1861.

MINUTES.] PUBLIC BILLS. — 1° New Provinces (New Zealand); Offences in Territories near Sierra Leone Prevention; Attorneys and Solicitors (Ireland.)
2° Industrial Schools (Scotland).

AFFIRMATIONS BILL.

SECOND READING.—ADJOURNED DEBATE.
SECOND NIGHT.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [13th March,]

"'That the Bill be now read a second time;' and which Amendment was, to leave out the word 'now' and at the end of the Question to add the words 'upon this day six months.'"

Question again proposed "That the word 'now' stand part of the Question.

Debate *resumed.*

MR. DILLWYN said, he should support this Bill, which he considered much superior to the cognate Bill which stood lower down on the list of Orders for that Day—the Criminal Proceedings Oaths Relief Bill. In many respects the objects of the two Bills were the same, as they both proposed to give relief to persons who, from conscientious motives, refused to be sworn as witnesses; the Bill to which he had referred only proposed to give this relief in criminal cases, whereas the Bill of the hon. Member for Tavistock (Sir John Trelawny) would apply to all cases, whether criminal or civil. He could not see why the relief should be confined to criminal cases, for if it was right that the oath should be dispensed with where the life or liberty of the accused was at stake, it must be equally where the character or property of individuals was at stake. But the great difference was that the Criminal Proceedings Oath Relief Bill did not give relief to persons who entertained doubts upon certain matters of religion, or were thought by the judge to be infidels. This Bill, however, would give relief to all persons who might desire to avail themselves of it if the Judge thought they gave good reasons, and he trusted they would hear of no objections to it of the kind called religious objections, for the Scripture said, "Swear not at all." No one, he supposed, would contend, or at all events no large section of the House or of the country would contend—that it was right that any person should be excluded from the protection of the law, in case of any outrage against their person or property being committed, merely because (to use the language of the hon. Mover of the Bill) he entertained doubts as to certain speculative propositions—yet that was the logical effect of the present state of the law. The only question then was whether the proposed change would be injurious to the administration of justice. It was alleged that it would have this effect, that oaths would cease to be taken at all, and that affirmations would become universal. He did not think that result would follow. He could not perceive why persons of any peculiar religious views, or even of no religious views whatever, should be excluded from giving their testimony. Why should they not be examined and their evidence taken for what it was worth? The jury would not be obliged to believe such witnesses—nor, indeed, were they now obliged to believe those who were sworn. The belief of the jury greatly depended on the character of the witness, and the consistency of his statement in itself, and with other testimony, and circumstantial evidence. Many Gentlemen, even in that

House, and on both sides of the House, whatever might be their belief now, had probably in the course of their lives, and especially in youth, known what it was to have disbelief, and would at such times have been very unwilling to be subjected to a cross-examination on that point. Belief was not a matter of choice. Whatever a man believed or doubted, he could not help it. He (Mr. Dillwyn) would be very glad if he could believe that another man could give him absolution; and that he could buy that absolution for money; but he could not believe it, and he had no choice in the matter. The matters which a man was expected to believe were not matters of recorded fact, but matters of future expectation—such, for instance, as the belief in a future state of rewards and punishments. But if any man asserted, not even that he disbelieved, but that he had not a dogmatic belief on that point, the Judge would regard him as an infidel, and refuse to let him be sworn. If a man was willing, from his regard for truth, to submit to the obloquy of avowing his doubts and being rejected as a witness, he thought that such a man was likely to give truthful evidence; and so far from injuring the administration of justice it would advance it to admit the evidence of such persons, and to reduce the number of unnecessary oaths. It was said that the Government ought to have taken up the subject. If so, it was for them to explain why they had not done so. It was not his business to be the apologist of the Government. Still, he could very well understand that, seeing the disposition of the Opposition to use every means of defeating the Government, not always with reference to the principle of the question before the House, and not always with strict fairness, it might be unadvisable for Government to attempt to deal with so delicate and difficult a question. What he sought to establish was not new. It was the existing law of India, which was now a portion of Her Majesty's dominions. The object of the oath was not any privilege given to the witness—it was a duty which he owed to society. All we ask is that his evidence should not be refused on account of his religious, or if you liked, his non-religious opinions. Suppose that in a case like the Road murder, which he chose as the most startling case that had lately occurred, it should be known that a man professing strong speculative doubts, as they had been called, was to be able to give evidence which would throw light on the matter—if such a witness were asked by counsel—perhaps counsel for the guilty person—whether he believed in a future state of existence, and if he were to reply that he trusted in a future state, and rested his hopes on it, but could not say that he had a dogmatic belief in it, that person would be declared by the Judge or presiding magistrate to be disqualified from taking an oath, and, therefore, of giving evidence; and by the law as now interpreted this great crime would remain undiscovered and the ends of justice be frustrated. In India the law was that persons who, by their age, or by defect of religious belief, were disqualified from taking an oath might be examined on affirmation. That law was expressly intended to apply, not to persons who had doubts the result of long and serious reflection, but to those who, from absolute ignorance and barbarism, were utterly without religion. He trusted that the relief accorded to the whole population of India would not be refused to intelligent Englishmen. If the present Bill became law it would be for the jury to consider whether a witness's belief affected his credibility, he would be subject to the usual cross-examination as to the facts deposed to, and he maintained that such an alteration as was proposed, so far from impeding or interfering with the administration of justice would materially promote it.

Lord ROBERT MONTAGU said, the hon. Member (Mr. Dillwyn) had expressed his hope that no opposition would be made to this Bill on religious grounds. But, those were the very grounds on which the opposition to it would be made; because the grounds on which the author of the measure founded it were the very opposite of religious. If the hon. Baronet (Sir John Trelawny) had merely wished to enable courts of justice to take evidence which they could not now receive he might have proposed that witnesses should be sworn and examined, and that questions as to their belief in the existence of God and in future rewards and punishments should not be put to them till after they had given their testimony. If that were done the counsel on the other side might then ask the witness such questions with a view to shake the value of his evidence; and the Judge and the jury could then take it at what it was worth. But what the hon. Baronet proposed was that those who thought that no Nemesis attended falsehood and perjury, and who looked upon an oath as an empty and unmeaning form, might dispense with that ceremony, and that their evidence should have the same weight as the testimony of those who believed that a Divine sanction attended the oath they had taken. They were to be released not because they had any conscientious objection to an oath, but because it did not affect their conscience at all. Those who had a sincere religious belief, when put upon their oath, felt an earnest anxiety lest by any incautious word or expression they should unintentionally convey a wrong impression, or give a false colouring to the transaction which they are describing; if, therefore, those who regarded an oath as an idle form were to be exempted, surely those who viewed it as a solemn act and a cause for anxiety ought *à fortiori* to be relieved. So that if they passed this Bill they would next year have another Bill brought in to abolish oaths altogether. The House ought then to consider to what point the hon. Baronet's theory, that the State had nothing to do with religion, had brought them? It would do away with the testimony to the actual presence of an all-seeing God in our courts of justice. The hon. Member for Swansea (Mr. Dillwyn) also had repeatedly said that a belief in God and in future rewards and punishments was a belief in "speculative propositions." It was on that notion that this measure appeared to be based. The Bill professed to meet the objection of certain persons to taking an oath; but the fact was that those were the very persons who did not scruple to take an oath. The objection came from the other side, and was directed against the reception of their testimony, which the courts could not admit because of the witnesses' want of religious belief. The hon. Baronet had adduced, as an argument from analogy, the fact that Quakers were allowed to make affirmations in lieu of oaths; but the reason why Quakers were allowed to do so was because they had a very definite religious belief, and strong conscientious objections against taking an oath. This was, therefore, a guarantee for their truthfulness, and their case could not at all be compared with that of persons who had no belief whatever, and who had no conscientious objection to an oath, which they looked upon as an empty ceremony. That was not an analogy; it was a paralogy. The practice in India had also been adduced as any analogy. There, no doubt, the Natives were permitted to affirm instead of being sworn; but the affirmation of a black man was taken at what it was worth, and would not be weighed against a white man's oath. The Act applicable to the colonies assigned, as a reason for allowing the Natives to affirm, that there "existed barbarous and uncivilized persons who had little or no belief or knowledge of God." This, therefore, is also a false analogy. It was one thing to allow these persons, who clung most tenaciously to the scraps and shreds of belief handed down to them by their forefathers, to make affirmations in courts of justice, and quite another to allow those persons who had been taught the Christian religion and knew all its doctrines, and had learnt from childhood about God, but who had deliberately discarded and rejected them and professed to disbelieve in God, to do the same. Slaves and helots in ancient times were not permitted to take an oath; but why? Because it was thought that the influence of their masters might induce them to say what was not true, and that they might thus become perjured. If we look at the great speeches which had come down to us in Greek and Latin we found this argument constantly recurring, that "such and such testimony had no weight, and must not be received, because, was it the evidence of one who had not been sworn." That was what Pagans of old did: yet we were asked to admit testimony that was not given upon oath. But what is the practice in this country? It was well known that persons would go before magistrates to take out summonses and make strong asseverations which, when they afterwards came to be sworn, they shrunk from repeating. That showed the guarantee afforded by an oath for the truth of evidence, and if this security for truth be done away, if this warning against perjury and falsification be forbidden, then not a ghost of a fear of lying or hatred of untruth would remain to haunt the land. The hon. Member for Tavistock (Sir John Trelawny) appeared not exactly to know the nature of an oath. [*Laughter.*] Hon. Gentlemen laughed, probably because they took the same view as the hon. Baronet, who stated that an oath was a calling down of vengeance from God upon yourself if you told an untruth. [Sir JOHN TRELAWNY: I quoted the law.] But the hon. Baronet expressed an opinion [*Cheers*] and the cheers from some hon. Members opposite show that they share that opinion. But in the oath taken by witnesses there was not a word about calling down vengeance. [Sir JOHN TRELAWNY: You alluded yourself to a Nemesis.] Yes, and he believed that a man could not do a single evil act without being followed by a Nemesis. It is not necessary to call down vengeance, for there is a moral Government of the world, and God takes very good care of His own world, and will never let evil succeed or go unpunished, whether you "call upon Him" or not. What you have to call upon Him for, is help and assistance. In taking the oath the witness promised to tell the truth, the whole truth, and nothing but the truth, and asked the Divine help to enable him to do so. ["No!"] Were not the words used for a thousand years, at the end of the oath, "So help me God?" It was said that honour and honesty would prevent men from making false statements. What is honour? what is honesty without belief in God? I challenge any hon. Member to define these terms. He cannot do so without assuming the presence of a God who orders all the events and arranges all the details of circumstances in the world. Honour and honesty, apart from religion, were nothing but pride and self-interest. If a man did not believe in a God he could refuse to tell a lie only because he was too proud to do so; and he could be honest only because he thought honesty the best policy. These are the mean motives which must influence those who do not believe in God. If he himself did not believe in a God who ruled the world and arranged the course of all its events, he should plot and intrigue, and not allow any compunctious visitings of conscience to stay his hand or divert him from his purpose; [*Laughter*] he repeated it because he was sure it was true; he would allow no qualms of conscience, no cowardly misgivings to interfere with his action; because without that belief it was mere maudlin, simpering sentimentality, to say anything but "Evil, be thou my good." A consistent Atheist must be a bad citizen and capable of every Machiavelian scheme and falsehood.

MR. BAINES said, that in dealing with this matter there were two evils to be avoided—namely, first, the calling upon acknowledged unbelievers to make an open declaration of unbelief in the existence of God and in a future state, which would be highly offensive to religious persons; and secondly, the holding out of what might seem to be a premium to the profession of infidelity for the sake of giving false evidence. The Bill appeared to be very judiciously drawn, so as to obviate both of those evils. It provided that the witness should declare that the taking of an oath was according to his religious belief unlawful. [Mr. G. HARDY: The hon. Member is in error. He is speaking of a different Bill from that now under discussion.] He begged pardon for his mistake, but he had obtained a copy of the wrong Bill. (Mr. Locke's.) He would not further intrude upon the attention of the House, except to say that he thought it would be a profanation of the sanctity of an oath to allow unbelievers to be sworn and examined first, and then to be questioned as to their religious opinions. There were cases in which, owing to the present state of the law, the evidence essential to the conviction of a murderer had been rejected. To dispense with the oath in exceptional circumstances contemplated by that measure was far from denying the value of religious sanctions.

SIR GEORGE LEWIS: I am aware that, having spoken on this Question before the debate was adjourned, some weeks ago, any remarks which I may now make must be made with the indulgence of the House. I am, however, now desirous of stating in a few words the reasons why I feel compelled to vote against the second reading of this Bill. We have to start from this point—that the general law of this country lays it down that no witness shall be examined in any civil or criminal proceeding in a court of justice without the previous administration of an oath to him. The definition of an oath, on which the noble Lord opposite (Lord Robert Montagu) made some remarks, is very simple. It seems to be a declaration of a fact in which there is a direct appeal to the Supreme Being. An affirmation may be equally founded on a religious feeling, but there is no direct appeal to the Deity; and that is the distinction between it and an oath. I do not concur in the construction which the noble Lord put upon the adjuration at the end of the oath. There are certain classes of religionists who object—but who object on religious grounds, mind—to the taking of an oath; and the law coming to their aid has said that, in the case of members of the Society of Friends, of Moravians, and some other limited religious denominations, they may, on declaring that they belong to those persuasions, be relieved from the obligation of being sworn, and may make an affirmation. That is a distinct statutory exception made in favour of these defined classes of persons, and it is not founded on any notion that the sanction of an oath is inoperative as regards those persons, but upon their religious objection to the form of adjuration. Our law also provides that pagans, heathens—a Hindoo or a Chinese, for example—may be sworn in an English court of justice according to the form most binding on his conscience, such form being assumed to have a religious sanction. It is, therefore, not based on any narrow or intolerant rule of exclusion, but it always supposes that there is to be a religious sanction for the declaration. When a child is called as a witness the question arises whether he is not of too tender an age to be examined, and he is asked whether he believes in a God, and knows what is the meaning of a future state of rewards and punishments. If he answers in the affirmative he is allowed to be examined. That is an exact exemplification of the doctrine of our law, by which an oath is required in all cases. Now, this Bill is intended to relieve an entirely different class of persons. It is designed to meet the case of a defect of religious belief, where the obligation of an oath is not held by the individual who appears as a witness to be binding on his conscience, but he has no conscientious objection to take an oath, regarding it as a mere idle form of words. ["No!" and "Hear, hear!"] I assume that he is perfectly willing to take the oath. ["No!"] Well, but consider the facts. He does not make the objection; the objection is made to him, and he does not express a desire to make an affirmation. He presents himself as a witness. The counsel on the other side says, "I object to such a person being examined without questioning him as to his religious belief." Before the oath is tendered to him he is asked those questions which will bring out the fact whether he has that religious belief which the law holds to be necessary as the sanction for it. If he answers in the negative the Judge does not permit him to be sworn. In the case which the hon. Baronet (Sir John Trelawny) quoted as the foundation for his Bill, the objection was made by the attorney on the opposite side to the witness, and the witness having answered in the negative, she was told to stand down, and could not be examined. This measure seems to me to proceed in an entirely wrong direction. It assumes that the witness refuses or is unwilling, from alleged conscientious motives, to be sworn. That is not the fact. I am not aware of any class of witnesses ever coming forward and saying, "We are of no religious belief, and we object to be sworn." Being based on an entirely erroneous view of the circumstances for which a remedy is required, the words of this Bill are so general that it might include persons who have a religious belief, but who, nevertheless, think that an affirmation is less binding than an oath. That class of witnesses whom we hear of as kissing their thumbs, being so ignorant as to suppose that that evasion will prevent the effects of their being duly sworn, might take advantage of this enactment, and say they desire to make an affirmation in lieu of an oath. Well, what is the duty which this Bill imposes on a Judge? He is to be satisfied of the sincerity of the witness's desire to make an affirmation. What possible evidence can be furnished to a Judge to satisfy him on such a point? He can only take the witness's declaration itself as the proof of his sincerity in making it. Then we come to the affirmation, namely, "I, A. B., do solemnly, sincerely, and truly affirm and declare that an oath would not, in my judgment, oblige me more closely to speak what is true than my deliberate undertaking so to do." If this Bill were passed I think an objection might still be taken to allowing a witness with no religious belief to affirm on the ground that an oath would not oblige him at all. It would be open to counsel to contend that notwithstanding what was intended by the framers of the Bill, it did not meet the case of a person who was deficient in religious belief, and that he could not take this affirmation. I greatly doubt whether this measure would not exclude the very class whom it is meant to relieve, and admit the very class whom it is not meant to relieve, and, therefore, I confess that I am unable to give it my support.

Mr. ROEBUCK said, that was a very difficult and important question, but many feelings and ideas had been imported into it which were wholly foreign to the point at issue. Eschewing fierce language, let them calmly consider the real business before them. They had to ask themselves which of the sanctions now employed they could dispense with, and yet not invalidate the testimony of a witness. In most cases the sanction of the law and of public opinion was united with the sanction of religion. Where those sanctions acted separately, if he found that without the aid of public opinion the oath had no influence at all, then he said the sanction of religion alone did not give additional security for the veracity of the witness. In past times every member of a University took an oath that he would conduct himself according to certain laws in that University; and the next minute he broke the oath; yet he did not consider himself a perjurer because the opinion of the world did not consider it a perjury. That was a case in which public opinion did not go with the religious sanction, and in which the religious sanction was wholly useless. The noble Lord (Lord Robert Montagu) was clearly wrong about the meaning of the oath. It meant that the Almighty would visit with His punishment the man who swore falsely. The right hon. Gentleman was quite right as to the question put by the opposing counsel to ascertain the witness's religious faith. If the man who was asked whether he believed in a future state of rewards and punishments had a great regard for truth, and, in spite of public opinion, replied "No, I don't believe that," he was immediately set aside. But if he was a person who, following his own views of what was for his own benefit, was so careless of the truth as to tell a lie and say, "I do believe," then he was sworn. Which of these two men was the most likely to speak the truth? Was the oath any guarantee for the veracity of the witness? He wanted that argument to be answered—not himself to be abused, though to that he was very much accustomed. Your rule of law excludes a trustworthy man and accepts one who is not trustworthy. They might surround the witness with various sanctions, but the only one that had any real effect was that of law and public opinion. That sanction they obtained equally well by an affirmation. He appealed to the right hon. Gentleman the Home Secretary, who was not a man obfuscated by bigotry, to direct his mind to the question of what was to be done to insure the chances—for they were only chances, that they should receive truth from a witness in a court. The noble Lord talked of a man divesting himself of his religious belief as he would take off his coat. No man divested himself of his religious belief by an act of his own will, but he was divested of it by circumstances. All he could do was to obtain all the evidence he possibly could, and then it depended upon the Almighty whether he must believe or not. To say that the rule of law did no harm was to say what all experience contradicted. If a man was known to be an unbeliever anybody might knock him down or rob him, and then tell his counsel to ask him whether he believed in a state of future rewards and punishments. The man would answer "No;" and thus, from his very determination to tell the truth, having admitted that he did not believe a religious sanction attached to an oath, his evidence could not be taken, the rogue or the thief would escape with impunity. This was not an imaginary case, but one of frequent occurrence. His hon. Friend was not open to the imputation that he was an enemy of religion. The change which he proposed was likely to do good by enabling persons to give evidence who could not now do so, and it ought, therefore, to receive the sanction of the House.

Mr. WALTER said, that this Bill proposed to relieve persons who acted from alleged conscientious motives; but then the question arose, what was the true definition of conscience? How could a man be said to act from conscientious motives—that was to have a conscience—who did not believe in the distinction between right and wrong? And how could a man be said to believe in the distinction between right and wrong who did not believe in the moral government of the world? and what was the use of his believing in a moral Governor of the world unless he believed that such Governor would reward or punish men in a future state? Therefore he objected to the Bill, on the ground that it would destroy the principle of conduct which was the main distinction between man and the beasts. If the evidence of a man who did not believe in the existence of an Almighty Being, who would reward and punish him according to his deserts, was put upon the same level as that of a man who possessed such a belief, a blow would be struck at man's natural instincts. If such a man were knocked down and robbed, and then went single handed and without corroborative testimony to give evidence as to the person who knocked him down, it might be a hard case that his evidence would not be received; but the same hardship would occur in the case of a lunatic. You might knock down a lunatic, and his evidence could not be taken. Now his opinion was that they ought to treat the unfortunate —he did not wish to use harsh epithets—but he would say the wretched persons whose minds were so constituted that they were unable to see what everyone else saw, and to believe in the existence of an Almighty Power, as not in their right minds; and he thought that it would be fatal to the interests of society to take a different view of such persons. He entirely opposed the Bill, on the ground that it was intended to relieve a class of persons who were in a state of mind which was very little higher than that of lunatics.

Mr. DENMAN said, that it had been decided over and over again that lunatics could give evidence if they were of sufficient intelligence for the matter in hand. He thought those who opposed the second reading of the Bill had forgotten that the great principle in question was, whether it was necessary to exclude a great deal of truth, which, by means of an alteration of the law, might be obtained. As the law now stood, a criminal might escape because the witness against him was an infidel. In the case of a soldier of the German Legion, who was tried at Dover, in the winter of 1856, that objection was raised to one of the witnesses, and, had there not been other testimony, the prisoner would have escaped. The objections which had been taken to this Bill rested only upon sentimental grounds. The real question was, was it necessary to retain the existing sanction, as it was called, of an oath? It was sometimes urged that a witness was affected by a solemn appeal from counsel, "Will you swear that?" or, "Upon your oath is that so?" where he was meditating an untruth. But he would put it to any of his hon. and learned Friends, whether they ever made that appeal to a witness, with any real belief that they were relying on the religious sanction of the oath? He believed that if that appeal had any efficacy at all it was because witness was frightened into telling the truth, by being reminded that he would be liable to be prosecuted for perjury if he told a falsehood. The oath was not needed in the case of a conscientious man; and in that of a shuffler or a liar it was of no use, because they would obtain all the benefits of the sanction of an oath by attaching the penalties of perjury to falsehoods told after an affirmation.

Mr. MONTAGUE SMITH said, that the hon. Member for Berkshire was quite correct in his statement that lunatics could not be examined; and, indeed, the hon. and learned Member for Tiverton answered his own objection when he said that a lunatic could only be examined when he had returned to his senses.

Mr. DENMAN had said, that it had been decided that the mere fact of a man's being a lunatic was no objection to his being a witness, if the Judge was satisfied that he understood the particular matter about which he was to be examined.

Mr. MONTAGUE SMITH: If he understood the matter no doubt he would be competent to give evidence as to it, and so, if he understood any matter of business, he would, in the intervals of lunacy, be competent to transact it. His objection to this Bill was, that it would induce persons who felt the obligation of an oath to shrink from the responsibility of taking it. Experience in the Courts had taught him that many persons who, from motives of interest or partizanship would tell a simple untruth, would not dare from religious or superstitious feelings to violate the oath they had invoked God to witness. He could not agree with the hon. and learned Member for Tiverton, that when counsel attacked witnesses with the words, "Upon your oath, will you say so and so"—a practice which, he was glad to say, was becoming daily more unfrequent—the religious sanction of the oath was not appealed to.

Mr. J. B. SMITH said, he had presented a petition from a person who refused to take an oath, not because he disbelieved in God, but because he thought it was contrary to the Scriptures. That gentleman's house was frequently robbed by wicked men, who took advantage of his scruples and were set at liberty. He had been allowed to sit in the town council without taking an oath, but party squabbles having arisen, a brother member insisted that as he had not taken the oath he had no right to his seat.

Sir WILLIAM HEATHCOTE said, that the arguments which had been used by the hon. and learned Members for Sheffield and Tiverton applied not so much to this Bill as to the more general and more important question which the House was not then called upon to consider—whether it was right that evidence should continue to be given under the religious sanction of an oath, or whether it would be better to trust to temporal penalties and the force of public opinion. That was a question which might admit of discussion, but he was convinced that, if we intended to adhere to the system of depending on oaths as a mode of securing the truth, the adoption of this measure would only multiply difficulties and inconsistencies, and if they were to admit the principle of the present measure they must, to avoid inconsistency, go a step further and abolish oaths in courts of justice altogether. The hon. and learned Gentleman the Member for Sheffield (Mr. Roebuck) had maintained that oaths had little efficacy, and were, if ineffectual, a mockery of religion, and illustrated this position by a reference to the oath formerly imposed on members of the Universities, by which, as he understood it, they bound themselves to observe all the statutes indiscriminately, although many were practically obsolete, and the observation of them never enforced or even expected. But the hon. Member had forgotten a very important portion of that oath. The duty of observing statutes was not imposed absolutely but under an alternative, and the person taking the oath swore that he would either observe the statutes or submit to such penalties as should be imposed for their infraction. This illustration, therefore, which was rather one *ad invidium*, did not apply. At present the sanction of an oath was only dispensed with where a strong religious objection was alleged, the existence of the religious feeling being itself a guarantee for the truth of the evidence as given. This Bill, however, proposed to omit the oath in cases where there could be no such guarantee; because the very ground upon which it was to be omitted was, that the witness had no religious belief. It was true that many men would give their evidence as truly unsworn as if they had taken an oath; but it was equally true that the administration of an oath made most people more careful and accurate in their statements than they would be without it; and farther, that there were many who even believed that the obligation to tell truth in their evidence depended solely on the complete and formal administration of an oath, to escape from which they resorted to strange and childish expedients to avoid kissing the book tendered to them. But under this Bill such men would only have to allege, not a conscientious scruple, but a mere disinclination to take an oath, and they would then, according to their own code of morality, be at liberty to tell a lie. The House had not then to consider the expediency of abolishing oaths; but he might observe that Parliament had so recently as 1858 adopted a course which showed that it did not think it would be advisable to pass a measure for the accomplishment of that object. It had been thought within the last few years that the Committees of the Lords secured more accuracy from their witnesses than the Committees of the House of Commons, because the former were examined upon oath; while no oath was administered to the latter; and the result was that an Act was passed for the express purpose of enabling the Committees of that House also to take evidence under the most solemn of all sanctions. It would be a reversal of that policy to adopt this measure by which, although oaths would not be abolished in all cases, they would be abolished in those cases in which the safeguard which they afford is most required.

Mr. LOCKE after alluding to the various Acts that had been passed from time to time for dispensing with oaths, said that the real question was how the ends of justice could be best furthered. Hon. Members opposite had confined their remarks to the results obtained by the administration of oaths, and had made no reference to the effect of affirmations. What was the state of the law previous to the passing of the Common Law Procedure Act in 1854? When a witness refused to be sworn the Judge put the question: "Are you a Quaker, Moravian, or Separatist?" "I am neither," was the reply, "but I have conscientious scruples against the taking of an oath." The Judge said, "I can't relieve you, and I must commit you for contempt of Court." Great hardship and inconvenience arose from this state of the law, and it still prevailed in the criminal courts. By the Common Law Procedure Act, if the Judge was satisfied that the witness entertained conscientious scruples, he could allow him to make an affirmation instead of taking an oath. A similar course was proposed in the present measure in regard to the criminal courts. This Bill went one step further than the Bill which he himself had introduced relating to criminal cases, and which stood amongst the orders of the day for committal. The present Bill provided that in civil cases a witness might be allowed to refuse from "conscientious motives" to be sworn, and to make an affirmation. There was this difference between the Common Law Procedure Act, the Bill he had introduced, and the present Bill, the form of the affirmation in the Common Law Procedure Act which he had transferred to his Bill contained these important words, "according to my religious belief," so that a witness who entertained no religious belief whatever, would not be relieved, inasmuch as he must make the affirmation in the form prescribed before he could be allowed to give his testimony. The great object of the alterations that had been from time to time made in the law were made not solely for the purpose of relieving witnesses as for the purpose of furthering the ends of justice by the ascertainment of the truth. For instance, formerly a convicted felon was incapable of giving evidence; but now not an assize passed without a convicted prisoner being brought from gaol and placed in the witness box to give evidence. Formerly the law was that interested parties should not be permitted to give evidence, because it was supposed they must necessarily perjure themselves: now, however, not only interested parties but the plaintiff and defendant themselves were competent witnesses. Nevertheless, by the law as it existed at present, persons who had conscientious objections to taking an oath were disqualified from doing that which was permitted to convicted felons and parties to the cause. The real principle was, and it was that which this Bill sought to establish that the testimony of a witness, whether he swore or affirmed, should be admitted and weighed according to its value as it bore upon the circumstances surrounding the case. Why did not the opponents of the Bill propose to go back to the old law on the subject? If the present Bill did not receive the sanction of the House he should persevere with his Bill, which was not open to the objections which applied to this, but provided that a person desirous of making an affirmation must entertain some religious belief.

MR. M'MAHON said, he admitted that there was a good deal of force in the arguments of the hon. and learned Gentleman who had just sat down, derived from the analogy of cases in which an alteration of the law had been made. But they had never yet said that a person who expressed a disbelief in a future state of rewards and punishments should be allowed to give evidence without the necessity of taking an oath. No necessity had been proposed for the change. The preamble of the Bill did not declare, and no hon. Member had said, that there had been any failure of justice in consequence of the law as it now stood in this respect. The only case mentioned by the hon. Baronet who brought in the Bill was that of Maden *v.* Catanach, and in it there was no pretence for saying there was any failure of justice. There the witness was not allowed to do justice unless she would swear under the sanction of an oath. She declared she did not believe herself responsible to any Supreme Being for not speaking the truth. Now, he asked, would there be safety for society if an individual like this were allowed to evade the responsibility of an oath? No civilised State allowed any one to be deprived of life, liberty, or property, unless upon evidence given upon oath. There was no real cause for this Bill. He hoped, therefore, the House would reject it, and would not be misled by any supposed analogy of the Common Law Procedure Act. In that Act it was the duty of the Judge to see that the person had really those sincere objections; but in this Bill there was no such thing —all that was necessary was that the Judge should be satisfied of the "desire" not to take an oath. And further, the person was merely to declare negatively that he did not believe that the oath would bind him more closely; but surely that was not sufficient. As for Quakers and Moravians, by the whole tenor of their lives they showed that they disapproved of oaths. He hoped, therefore, without some real cause, the House would not depart from the established practice of the country.

MR. MELLOR said, that as a sort of challenge had been thrown out to hon. Members to mention a case in which a failure of justice had taken place in consequence of the existing law he would mention one. He remembered that at the the assizes of Leicester there was a prosecution for theft. A pawnbroker's assistant, who was a material witness, refused to be sworn, and Baron Alderson committed him to prison. It appeared that this man was on his probation, preparatory to his admission into his Society of Friends. He had not been sufficiently long on probation to be admitted, but he had imbibed their principles. His committal took place on Saturday, and on the Sunday following several gentlemen, members of the Society of Friends, came to him and stated the facts. He made them known to Baron Alderson, who ordered the man to be brought before him on the Monday, in order that he might be discharged; but in the meantime a failure of justice had taken place, the prisoner had been acquitted, and a man had been kept in gaol from Saturday to Monday in consequence of his conscientious scruples. He (Mr. Mellor) without committing himself to the opinion that oaths ought to be abolished, thought that persons who had a religious belief that the taking of oaths was unlawful ought to be allowed to give their evidence on making affirmation, and the jury should be left to say, judging from the circumstances and from the manner in which the witness gave his evidence, whether his testimony was worthy of belief. He should support the second reading, as he believed that the interests of public justice would be better served by the passing of the Bill.

THE SOLICITOR GENERAL said, he thought it his duty to give his very decided opposition to the second reading of this Bill. There were two matters quite distinct, but both deserving of their serious consideration—one the rule that should determine the competency of witnesses to give evidence in courts of justice in any form whatever; the other, the form in which—their competency being admitted—they should be allowed to give evidence. The alterations in the common law which had hitherto been sanctioned by Parliament applied to the second and subordinate question—namely, the manner in which witnesses should be allowed to testify. Now he would, in the first place, observe that the Bill of the hon. Baronet differed, essentially and in principle, from any of the measures which had hitherto become part of the law, in reference to the form in which witnesses should be permitted to give their testimony. The first relaxation of the requirement of an oath on giving evidence was in favour of the Quakers. In the reign of William III. the necessity of an oath was dispensed with in favour of the Quakers, but in civil cases only; and it was not till the reign of George IV., in the year 1829, that members of that most respectable body were allowed to give evidence by affirmation in criminal cases. By an Act of 1833 the Separatists were admitted to the privilege which they now enjoy, of giving evidence on affirmation both in criminal and civil cases. In both these cases Parliament dealt with the manner of taking the oath, and not with the competency of the persons. The same was the case in the Common Law Procedure Act passed in 1844. In all these instances, Parliament dealt, not with the great fundamental question of competence, but with the manner of taking evidence, and in each of them they proceeded on the known religious belief, on the part of those to whom relaxation was to be applied, and their known religious scruples to taking an oath. Take the case of the Quakers. They were well known as a body believing in the existence of God and in a future state of rewards and punishments; and, therefore, when Parliament dealt with them, Parliament knew that they were a religious body. The same was the case with the Separatists; and when they came to the Common Law Procedure Act, it was obvious that the assumption was that the persons in whose favour it would operate would be persons who were influenced by religious conscience. This Bill differed fundamentally from these previous measures. The Acts themselves were based on the supposition, or the positive knowledge, of religious belief and of a religious conscience; but what was the case with the present Bill? Without making the design very apparent, the real purpose of the Bill was to get rid of an ancient, a still prevailing, and in his opinion most reasonable objection to the competency as a witness of a person who had no belief in the existence of God, or in a future state of rewards and punishments. The House were not to consider the ease or convenience of the witness; they were to consider the interests of society; and he believed those interests required that persons without religious conscience and belief should not be accepted as witnesses in courts of justice, whatever the form of affirmation which they might propose to adopt. If the Bill became law any person who "shall express a desire to make an affirmation instead of an oath," was to be permitted to do so on the Judge being satisfied of his "sincerity." Of his sincerity as to what? Not of his conscientious objection, but of his "desire to make an affirmation instead of an oath." This provision would admit two classes of witnesses—first, those who had no religious belief at all; and next, those who, while having a religious belief, might not consider an affirmation as binding on their conscience as an oath. The operation of the principle now proposed to be established would logically extend much beyond the particular object to which the present Bill was confined; for if the religious sanction of an oath ought to be abolished in the case of witnesses in courts of justice why should it not also be done away with in respect to jurors and to the thousands of other persons employed in the discharge of public duties? It appeared to him that this measure, proposing a most important and fundamental change, was in principle most objectionable.

Sir JOHN SHELLEY said, that the hon. and learned Gentleman, the Solicitor General, had entered the House at the eleventh hour, and had only repeated what had been said over and over again in the course of the present debate. He intended to vote for the second reading of the Bill; but he hoped that it would not go forth that any one who supported the measure must be in favour of no religion. There had been instances showing that a conscientious objection to oaths was not inconsistent with a religious feeling; but, after all, the public interest was the matter to be considered, and that suffered in consequence of many persons being prevented from giving evidence by conscientious scruples on the subject of oaths.

Sir JOHN TRELAWNY, in reply, referred to cases in which witnesses had refused to take the oath in consequence of conscientious objections, and contended that those cases established the existence of a practical evil requiring a remedy. Moreover, it was to be feared, if the existing law were not altered, that persons would affect conscientious scruples to taking an oath when they were not disposed to give the evidence which was required of them.

Question put,

The House *divided*:—Ayes 66; Noes 136: Majority 70.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *put off* for six months.

LOCOMOTIVES BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clauses 1 to 10 *agreed to*.

Clause 11 (Power to restrict the use of Locomotives within the City of London),

Mr. BLACK suggested an addition to the clause, requiring that no locomotive propelled by steam shall be used within any town or borough without the consent of the mayor or principal magistrate.

Sir JOHN SHELLEY said, as far as his observation went, the use of these locomotives in large cities was attended with great inconvenience; and he thought that without the consent of the Metropolitan Board of Works, they should not be permitted to be used. Understanding that the hon. Member for the Tower Hamlets (Mr. Ayrton) did not intend to move the Amendment in his name on the paper, he would, therefore, take it up.

Amendment proposed,

"In line 10, to leave out from the word 'used, to the end of the Clause, in order to add the words 'within the limits of the Metropolis, as defined by the Act of the Session holden in the eighteenth and nineteenth years of Her Majesty for the better local management of the Metropolis, without a licence for that purpose being first obtained from the Metropolitan Board of Works to be granted under their common seal; and it shall be lawful for the said Board to impose such conditions in such licence as they may deem necessary for the public safety and convenience; and any person using any Locomotive without such licence, or contrary to the conditions thereof, within the said Metropolis, shall, on conviction of such offence before a justice of the peace, forfeit any sum not exceeding five pounds for every day during which such Locomotive shall be so used."

Mr. AYRTON explained that he had not proposed the Amendment of which he had given notice, because the hon. Member who had charge of the Bill (Mr Garnett) had promised to introduce a clause on the subject. These were questions, however, which in his opinion ought to be taken up by the Government, and not by individual Members; and he was the more disposed to say this because last Session the Home Secretary, when a similar Bill was before the House, had taken upon himself a good part of the work of every municipality in the kingdom.

Mr. GARNETT, said, he meant to propose a clause in lieu of this 11th Clause. It had been placed in his hands by the Lord Mayor of London, and he had informed the hon. Member for the Tower Hamlets, after he had given notice of his Amendment, that it was his intention to move it. This clause, he believed, would answer every good purpose proposed by the hon. Member for the Tower Hamlets, and now adopted by the hon. Baronet (Sir John Shelley).

Mr. HEADLAM thought that no serious objections had been raised against these locomotives. He was in favour of the measure, but he only expressed his own opinion, and wished to be understood as not speaking on the part of the Government.

Mr. BUCHANAN suggested that it would be desirable there should be some uniformity of practice. An Act had been passed on the subject of tramways, in which municipalities had power given them to interdict their introduction; whereas tramways were much less formidable than these new locomotives. He thought that the authority to licence them should be local rather than placed in the hands of the Secretary of State.

Colonel WILSON PATTEN said, one great objection to leaving the matter in the hands of the local municipal authorities was that it would lead to great uncertainty as to the state of the law. It would reproduce the uncertainty that existed formerly with regard to dogcarts. He had taken the trouble to trace the progress of a man with a dogcart proceeding from the south to the north of England. In one town he would be allowed to pass free; in the next he would be imprisoned, and so on alternately throughout the whole journey.

Mr. Alderman SIDNEY said, he was sorry to observe a feeling of jealousy arising in that House against the powers exercised by municipal bodies. For his own part, he thought the town councils were quite as capable of judging for themselves what was expedient within their own jurisdictions as the House of Commons of judging for them. From daily experience he could declare that the effect of the tramway laid down at Bayswater was to monopolise at least half of that populous broadway; and he thought the locomotives would still more effectually extend all ordinary traffic.

Mr. SOTHERON ESTCOURT denied that there was any ground for the observation of the hon. Gentleman that there was a feeling of jealousy in any part of that House against the power exercised by corporations. In regard to the laying down of permanent ways, he thought that the local authorities were the best judges of their expediency or otherwise; but the case of locomotives was quite different. He thought the decision had best be left to some central authority, and was quite content to leave it in the hands of the Home Secretary.

Sir GEORGE LEWIS thought, on the whole, that the clause proposed by the hon. Member (Mr. Garnett) ought to be adopted. He had no ambition, as Home Secretary, to interfere in these matters, and had done nothing last Session to attain any such power. If the House thought the local municipal authorities were the right persons to regulate such matters, he would have no objection; but if it was thought the Secretary of State ought to have the control, he could only say that he would endeavour to do his duty.

Question "That the words proposed to be left out stand part of the Clause." Put, and *negatived.*

Question proposed, "That the proposed words be there added.

Mr. DARBY GRIFFITH then moved an Amendment to the effect that these locomotives should not run without a licence from the mayor or other authority of any borough through which they were to pass.

Amendment proposed to said proposed Amendment,

"After the words 'their common seal,' to insert the words 'nor within the limits of any Municipal or Parliamentary borough, without a licence for that purpose being first obtained from the mayor and town council, or other chief municipal authority of such borough, to be granted under their common seal.'"

Question proposed, "That those words be there inserted."

Colonel WILSON PATTEN said, the effect of this Amendment would be not to regulate, but to put an entire stop to this mode of conveyance.

Mr. DARBY GRIFFITH said, as this privilege was now given to London, he did not see why it should not be enjoyed by the towns in the country.

Colonel WILSON PATTEN said, that if the Amendment was adopted the Bill might as well be abandoned.

Question put, "That those words be there inserted in the said proposed Amendment."

The Committee *divided:*—Ayes 32; Noes 103: Majority 71.

Question put, "That the words originally proposed to be added to the Clause be there added."

The Committee *divided:*—Ayes 39; Noes 87: Majority 48.

Question, "That the Clause, as amended, stand part of the Bill." Put, and *negatived.*

Clauses 12 and 13 *agreed to.*

Clause 14 (Extent of Act),

Colonel FRENCH moved that Ireland be excluded from the Bill.

MR. M'MAHON reminded the hon. and gallant Member that there was no law in Ireland against the use of locomotives; and the consequence of this Amendment would be that they would have all the inconveniences, without any of the advantages which this Bill would give them.

Amendment *negatived.*

Clause *agreed to.*

Remaining Clauses *agreed to.*

House *resumed.*

Bill *reported*, as amended, to be considered on *Friday*, and to be *printed.* [Bill 174.]

CRIMINAL PROCEEDINGS OATH RELIEF BILL.—COMMITTEE.

Order for Committee read.

MR. LOCKE moved that the House go into Committee on this Bill.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. M'MAHON said, that this Bill did not substantially differ from the Bill they had already disposed of. It was said that its provisions were already applied to civil proceedings; but the cases were different. The person for whom this relief was proposed was to be called on to affirm that according to his religious belief it was unlawful to take an oath. How could it be unlawful? The only law this Bill was concerned with was the law of England, and a man was to be called on to say that his religious belief was that the law of England forbade the taking of an oath. This alone showed how little consideration had been given to the Bill. Criminal cases were different from civil cases; for witnesses were drawn indiscriminately from all classes of society, and every sanction ought to be taken that they should speak the truth. He moved that the House go into Committee that day three months.

Amendment proposed, to leave out the word "That," to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. STEUART seconded the Motion.

MR. LOCKE said, that the Bill proposed to enact in this country what was already the law in Ireland. There was this difference between the present Bill and the Affirmations Bill, that the present measure required that the person making a declaration in lieu of an oath should have a religious belief; while the Affirmations Bill required no religious belief in the person making the declaration.

THE SOLICITOR GENERAL said, that his objection to the Bill was not one of principle, but rather of degree. Those who had had experience in our criminal courts must be convinced that there were thousands who were prepared to tell a lie who yet shrank from committing the offence of perjury. He believed that the Bill was uncalled for, and would be dangerous in its operation.

SIR HUGH CAIRNS held it to be a mistake and a fallacy to contend that rules in regard to oaths that might be adopted in civil suits were equally suitable for criminal proceedings. In civil cases the defendant might be examined on oath. Was the hon. and learned Member for Southwark prepared to examine the prisoner in criminal cases on oath likewise?

MR. CRAUFURD must remind the Solicitor General that this was, and had been for some time, the law in Ireland. If the hon. and learned Gentleman had such strong objections to the Bill, why did he not bring in a measure to repeal the Irish Act?

Debate *adjourned* till *To-morrow.*

House adjourned at ten minutes before Six o'clock.

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HOUSE OF LORDS,

Thursday, June 13, 1861.

MINUTES.] PUBLIC BILL.—3ª Wills of Personalty by British Subjects.

WESTMINSTER IMPROVEMENTS BILL.

On the Order of the Day for the Third Reading of this Bill,

VISCOUNT LIFFORD rose to call the attention of the House to the Acts 8 & 9 *Vict.* c. 178 and 16 & 17 *Vict.* c. 176. The noble Viscount said that in 1845 an Act of Parliament was passed by which a Commission was constituted to open a street leading from the Houses of Parliament to Buckingham Palace. This was be done at a cost of £150,000, and the Commissioners subscribed £50,000 among themselves, re-payment of which was to be postponed until after every other debt and claim was satisfied. In 1847 another Act passed which authorized the raising of other sums, and also empowered the Commissioners to fly an unlimited number of "kites." In 1852 they bought 121 properties. The street, now known as Victoria Street, was then opened, and the ground they had to dispose of was valued at £400,000, while the mortgages were £128,000, and the bonds £130,000, leaving a large surplus. But between April, 1852, and December, 1854, the Commissioners had incurred liabilities to the extent of £1,043,246. It was right to state that the Chairman of the Commissioners had from the first opposed these proceedings, and had remonstrated by letter and in every possible way. The Commissioners got rid of their chairman and another member, and at the end of the two years they had contrived to borrow £700,000 more than the property was worth. This property was sufficient to pay off the debts, but not a farthing would be left to the bondholders. A new Commission was now appointed, and it was most important that their good name should not suffer from former transactions; he would, therefore, state that the new Commissioners were in no way responsible for the misdeeds of their predecessors. The street was now opened, and would, when completed, be one of the finest in London. But it was necessary to put an end to the present unfortunate position of the property; and the new Commissioners had, therefore, introduced the present Bill to enable them to sell the property and pay off the mortgagees; but there would be nothing left for the bondholders. This Westminster Commission had proved a great blow to enterprises of the same kind; but it was only right it should be known that up to the year 1852 the speculation did pay, and it was owing solely to the extravagant conduct pursued after that period, and for which the present Commissioners were in no way responsible, that the undertaking had been brought to its present miserable condition. The street was then open from end to end, and the Commission had nothing to do but let the land, and carry out the object for which the aid of the Government had been granted. It ought to go forth that undertakings of this kind would pay, except in cases like this, in which such extraordinary powers were given.

LORD REDESDALE thought what had been stated was very important; it had been a most extraordinary transaction from first to last. The present Bill was intended to remedy the difficulties in which the whole undertaking had been placed.

Bill read 3ª, and *passed.*

ADMIRAL ELLIOT AND THE FRENCH DOCKYARDS.—OBSERVATIONS.

THE EARL OF HARDWICKE said, he wished to refer to a matter that affected the character of a private individual. He had given notice by letter to the noble Duke the head of the Admiralty; he regretted that the noble Duke was not in his place, but he did not intend to say anything that required an answer. What he wished to refer to was a statement made by the noble Duke, on Tuesday evening, affecting the character of a gallant officer in the navy. In the course of a discussion which took place that evening on the Government of the Navy Bill, in adverting to certain statements that had been made by Sir John Pakington in "another place," the noble Duke said—

> "The noble Earl first called your Lordships' attention to the question of iron-cased ships, and referred to a speech lately made in the other House, founded on information furnished to a right hon. Baronet by Admiral Elliot. Admiral Elliot went to France, and applied, through the English Minister there, for leave to visit the dockyards of that country, in the same way as French officers have often applied for leave to visit our dockyards. His request was acceded to with the civility which the French authorities would naturally desire to show in such a case. Admiral Elliot went, and saw all that was going on in those establishments; but I must confess that, under the circumstances, I sincerely regret the course which he took on his return to England. If I myself had given a French officer permission to view our dockyards, and I afterwards found that he took the first opportunity of publishing the results of his inspection in the manner adopted by the gallant Admiral, I certainly should not think he had done a very friendly act."

Their Lordships would agree with him that such a statement, made by the noble Duke, might lead one to suppose that Admiral Elliot had visited the French dockyards, perhaps under the direction of the Admiralty, probably of his own accord; but, at all events, that he did something contrary to good manners, or played something like the part of a spy; that he had come back and related what he ought not to have related; or done something he ought not to have done. He was sure the House would also admit that between the officers of the French and English Navies there ought to exist a mutual feeling of brotherly and professional respect and regard; so that if the day should ever unhappily come when political events and difficulties should plunge the two nations into war, they might engage in that war free from any feelings of personal animosity. This would not be the case if it was thought that on either side anything like a system of *espionage* had been carried on. He was sure that if political differences ever led to such a melancholy event as a war between the two countries, the chivalrous feeling of the English naval officers would only be surpassed by that of the French, and even in such a war, he hoped no personal animosities would exist between them. It was, therefore, necessary there should be no misunderstanding on a matter of this kind; that there should not be the slightest impression that any officer of high rank had acted in any manner inconsistent with honourable and correct feeling. Now, what was the history of Admiral Elliot's visit to the French dockyards? Admiral Elliot went to Cherbourg, with two friends, in the yacht of one of them, with the intention of paying a visit to the French dockyards. They saw the dockyard of Cherbourg and afterwards that of Brest, by the full permission of the *Prefét* and authorities. The manner in which they were received showed that there was no idea they came with any purpose the French authorities were not willing to assist them in carrying out. They were shown over the arsenal and works, the French officers affected no concealment; they were proud, and justly so, of the progress they were making in the construction of the iron-plated ships. He should mention that before he left for France Admiral Elliot called on the noble Duke and told him of his intention. He asked the noble Duke if he could be of any use to the Admiralty; if he wished to have anything reported to him. The noble Duke very prudently replied, "You know all that interests us in England, I shall be glad if you can tell us anything the French are doing in which we are interested." After leaving Cherbourg Admiral Elliot went to L'Orient and Rochefort; these establishments he found he could not see without the permission of the French Admiralty. He wrote to Lord Cowley's Secretary, requesting that the permission might be applied for. It was given, and under that official permission he visited those dockyards also. When Admiral Elliot returned to England he told his friends—among them the Duke of Somerset and Sir John Pakington—what he had seen, and, as far as Admiral Elliot was concerned, there the matter ended. When the noble Duke said he had "published" what he saw he was sure he did not mean all that the scope of the word implied—that he did not mean the statement to be in any way offensive. Now, supposing Admiral Elliot, when at L'Orient and Rochefort, did see a great deal that he was not shown; supposing he saw, by accident, something of great interest, and supposing he has never mentioned what he saw? Did not that prove the character of honesty, and the absence of anything like an intention to be a spy? He could not say that such was the case, but he was bound to say that all Admiral Elliot did see he saw openly and fairly, and under the eyes of the French officers themselves, nor had he revealed to his friends or to the noble Duke anything except what he had seen in such a manner. In the absence of the noble Duke he felt that he ought not to say more, but in saying what he had he thought he had only done his duty to a brother officer in vindicating, not his character, for that required no vindication, but his acts, from the imputation suggested by the large words used the other night by the noble Duke. Admiral Elliot was only travelling for amusement when he visited the dockyards of France, and not in any way as the agent of Government.

THE DUKE OF NEWCASTLE regretted that the noble Earl had not felt it consistent with his duty to postpone his statement. The noble Duke at the head of the Admiralty was absent in the performance of his public duties, and, therefore, had either not received the letter which the noble Earl had addressed to him, or had been unable to take advantage of it. He (the Duke of Newcastle) would have felt it his duty to interrupt the noble Earl if he had not begun by stating that he rose to vindicate the character of an absent Friend; but he still thought it would have been better for all parties if the statement had been deferred until to-morrow. That opinion was confirmed by what had fallen from the noble Earl. The Report to which the noble Earl had referred was, no doubt, accurate; but there was no charge conveyed in the observations of the noble Duke affecting Admiral Elliot's honour, although the discretion of that gallant officer in this particular instance was challenged. The noble Duke never used the word "spy," but the noble Earl opposite said he rose to vindicate his friend from the imputation of being a spy. The statement of the noble Duke had been borne out, for it was within his knowledge that the conduct of Admiral Elliot had given offence to the parties concerned in France, who felt that his act had been far from friendly. They would have considered it was the duty of Admiral Elliot, as an Englishman, to report to the Admiralty what he had seen; but the gallant Admiral had gone far beyond that. The noble Earl said that Admiral Elliot had not "published" his information; and true it was that he had not published an essay upon the state of the French navy, but he had taken the best possible means of widely publishing his statements. If he had simply made a statement, as he did, to the noble Duke, he would have done his duty; but the gallant Admiral did far more—he not only communicated his statement in conversation to his friends, but he placed it in writing in the hands of a Gentleman who he must have expected and intended would have used the very best mode of publication in the world. A letter in the newspapers might have attracted comparatively little attention, but the debates in the House of Commons on such a subject were sure to be read. If the noble Earl would have condemned the gallant Admiral for publishing his statement, how could he approve his conduct in taking the very best means of making it public? Sir John Pakington had expressly stated in the other House that he made the statement he did upon the authority of Admiral Elliot. He (the Duke of Newcastle) had chiefly risen to explain the cause of his noble Friend's absence, and he could not but repeat his regret that the noble Earl had not deferred his observations until to-morrow.

THE EARL OF HARDWICKE said, the course he had taken had arisen entirely from a feeling that the statement put forward by the noble Duke ought as speedily as possible to be explained, especially to our friends on the other side of the water. As to the use made of the gallant Admiral's information, all he need say was that Admiral Elliott and Sir John Pakington were personal friends; that he was justified in communicating what he had seen to his friend, and there, as far as he was concerned, the matter ended. That it was afterwards used in the House of Commons was not his act.

The Duke of Newcastle

CHIEF JUSTICE MONAHAN.

LORD CHELMSFORD: I wish to call the attention of the noble Earl on the cross benches (the Earl of Leitrim) to the subject of a notice of Motion which he has placed upon the paper, and which stands for this day week. My noble Friend the other evening, without any previous notice, made several remarks upon the conduct of Chief Justice Monahan in reference to certain proceedings at the last summer assizes for the county of Donegal. My noble Friend the Lord Chancellor instantly rose and protested in very strong terms against the course taken by my noble Friend in preferring accusations without notice, and, consequently, without the opportunity of an answer being given. The noble Earl then said he would place a notice upon the paper, which would enable us to discuss the whole question; and, in pursuance of that promise, he did put down the notice which now appears upon the paper—that he would move for the return of certain presentments. My noble Friend the Lord Chancellor immediately said that such a notice did not at all advance the matter, as it gave no intimation of the nature of the charges which were intended to be preferred. I then understood my noble Friend to say that he would shape his Motion in such a way as to satisfy the friends of the Chief Justice. My noble Friend did me the honour at the time to communicate to me the particular grounds upon which he should bring under our notice the conduct of Chief Justice Monahan. I immediately expressed my opinion that there hardly appeared to be sufficient grounds to warrant such a serious step, and I said that I thought that the conduct of Judges ought not to be arraigned unless there was some specific charge of corruption, partiality, or other gross misconduct, which all persons would admit to deserve serious reprehension. I have reflected on the matter since, and I find my first impression to be the correct one. I have been struck with the inconvenience of bringing forward complaints against a Judge without the existence of serious charges. To the Judge such a course would be prejudicial, for, even if he satisfactorily answers the complaint, still the fact of the charge having been raised will be remembered against him. It will also operate extremely prejudicially for the public interest, in the administration of justice, if every Judge is to be liable to censure in Parliament upon all occasions.

Under these circumstances I have communicated my opinion to my noble Friend, and I hope that he will be good enough to listen to my recommendation and withdraw his Motion, which can be attended by no beneficial result, but which may prove very prejudicial for the public interest.

THE EARL OF LEITRIM: My Lords, no Member of this House is more desirous to support the authority of the judicial bench than I am; and it was with sincere pain that I made the observations which I did the other evening with respect to Chief Justice Monahan. I felt strongly that what had taken place had caused much uneasiness in the locality concerned, and I did not intend to comment on the circumstances more warmly than I thought absolutely necessary. The noble and learned Lord on the woolsack having complained that no notice had been given, so as to enable an answer to be prepared to my animadversions, my object in giving my Notice of Motion was to afford such an opportunity. I have, however, no desire to go on with any discussion which your Lordships may think would be prejudicial to the public interests, and I, therefore, feel great pleasure in adopting the suggestion of my noble and learned Friend.

THE LORD CHANCELLOR: Am I to understand that the noble Earl withdraws his charges? If he does so I am contented, and do not wish to say anything more on this subject. But, unless he withdraws his charges, I must request him to proceed and state them.

THE EARL OF LEITRIM: I cannot retract a single syllable of what I said. What the noble and learned Lord on the Woolsack wishes me to do is quite impossible.

VISCOUNT LIFFORD was understood to say that charges of this kind were not considered in Ireland to be of that serious character that the noble and learned Lord on the Woolsack took them to be. The wisest course would now be to allow it at once to drop.

THE LORD CHANCELLOR: I say that most serious charges were brought against Chief Justice Monahan; for if a Judge betrays his duty and makes himself a political partisan by delivering a party charge to the grand jury I think he is guilty of gross misconduct.

THE EARL OF DONOUGHMORE: I think the observations with which my noble and learned Friend opened this discussion were in singular taste and discretion, and that my noble Friend on the cross bench followed those observations by gracefully withdrawing his notice of Motion. There the matter might have ended satisfactorily to all parties; and I must say I regret the remarks which have since fallen from the noble and learned Lord on the Woolsack.

EARL GREY: I cannot agree with the expressions of the noble Earl opposite. It seems to me that nothing can be more unsatisfactory than that a most serious charge should be incidentally thrown out against a Judge, and that, when objection is taken to going on with that charge without notice, notice of Motion should be given, and that then that notice should be withdrawn, unaccompanied by any withdrawal of the charge itself. I put myself in the position of Chief Justice Monahan. If I were accused of abusing my position as a Judge by delivering a partizan charge, and such an accusation were formally preferred against me in this House, I should desire either that my friends should have an opportunity of meeting it, or that it should be distinctly withdrawn. Therefore, I entirely concur with my noble and learned Friend on the woolsack that one of two courses, and one only, ought to be taken by the noble Lord on the cross bench. He ought either distinctly to say that there is no ground for any imputation on the conduct of Chief Justice Monahan, or else to state publicly in this House the ground on which he condemns that conduct, and so allow those to whom that learned Judge may trust his defence to answer the charge as best they can.

THE EARL OF MALMESBURY: I am exceedingly sorry to see the noble Earl opposite so unwilling as he appears to be to permit oil to be thrown on the troubled waters. If I also were to place myself in the position of the learned Judge referred to I feel that I should be perfectly satisfied. Of course, the honour of every man must be in his own hands, and he must be the best judge of how it is to be vindicated. But I do not believe I am less particular on that point than other public men, and I have no hesitation in stating that I with very great regret heard the noble and learned Lord on the Woolsack use the expression which he did after my noble Friend (the Earl of Leitrim) sat down. My noble Friend was ready to drop the subject, and willing to abandon the charges supposed to have been made. ["No!"] At all events, he said he would not bring them on before your Lordships. And when the noble Earl opposite throws out a taunt respecting accusations I must say I am not aware of any specific accusation having yet been laid upon your Lordships' Table. There was, indeed, a general expression of condemation of a learned Judge's conduct the other night, which I as much regretted to hear as any other of your Lordships; but there was not such a positive and particular charge made as to render it necessary that this House should carry this unfortunate matter further. When my noble and learned Friend (Lord Chelmsford), who is certainly as careful of the character of a Judge as any man, said what he did, and when the noble Earl on the cross bench stated that he would not proceed with or repeat the statements which he made the other evening, I am sorry that anybody possessing so much weight with your Lordships as the noble Earl opposite does, from his great ability and experience, should not have used his influence, as I have already said, to throw oil on the troubled waters.

Earl GREY: My reason for rising was that the noble Earl on the cross bench distinctly stated that he did not retract a single word of what he had said. In my opinion a censure upon a Judge ought not to be lightly pronounced. If pronounced at all, it ought to be done upon grave occasions, and with due notice, so that there might be time to prepare an answer to it; and I cannot but think that under the circumstances a Judge is not placed in a right position if an accuser does not retract his charge as well as withdraw his notice of Motion.

The Earl of WICKLOW: As the matter now stands, these charges have been brought forward, but have not been abandoned by the noble Earl on the cross bench, who, in conformity with the desire of his noble and learned Friend (Lord Chelmsford), has merely consented not to proceed further with the subject. As put by the noble and learned Lord on the Woolsack the case is perfectly just. But, as I perceive we are not likely to have any more upon this question, I feel bound to say that, although I have had no acquaintance whatever with Chief Justice Monahan, I know the sentiments entertained by the Bar generally towards him, and I am sure it is the universal feeling in Ireland that a more upright, more learned, or more impartial Judge never sat on the bench of that country.

Lord LYVEDEN: I agree that the noble and learned Lord who introduced this subject to-night did so with the best possible taste. But he said that none but the gravest charges — for example, the charge of corruption—ought to be brought against the Judges in Parliament. Now, I understood the noble Earl on the cross bench to use the word "corrupt." ["No!"] Certainly, he stated that this Judge had said on the bench what he must have known not to be true. [The Earl of Leitrim: No!] After the violent expressions in which the noble Earl had indulged it was not sufficient that he should now say he would not persevere with his charges. It was surely incumbent on him to express some regret for the language he had used.

Lord CHELMSFORD: I really did not hear the violent language ascribed to my noble Friend. At the time he was addressing your Lordships I was otherwise engaged. I did not understand that the noble Earl made any specific charge—certainly he made no serious charge—against Chief Justice Monahan. On that I formed the opinion which I expressed, and if your Lordships really think I was wrong in recommending my noble Friend to withdraw his Motion I am sure he will not consider himself bound by anything I have said. Indeed, after the discussion which has just taken place, I will not ask him to follow my advice on the subject, unless he feels that he is entirely justified in doing so.

The Duke of NEWCASTLE: I am sure no one can doubt the spirit in which the noble and learned Lord opposite advised the noble Earl on the cross bench to withdraw his notice; but I cannot help thinking that the suggestion the noble and learned Lord now makes is really the correct one; and upon the whole, unless the noble Earl is prepared to withdraw the charges he made against Chief Justice Monahan on a former occasion, it is most desirable for the character of this House and of an absent Judge that the noble Earl should persevere with his Motion, and bring forward the charge in order that the matter may be discussed and disposed of. It is all very well to talk of throwing oil on the troubled waters, as a noble Lord expressed it, or making things comfortable; but this is not a matter between two sides of the House, or between one noble Lord and another; it has reference to the character of an absent Judge, which is placed in the greatest jeopardy. The noble Earl denies that he used the word "corrupt," and that he ever said the Chief Justice had stated what was not true; but undoubtedly the purport of his charges was that he sitting on the bench had acted as a political partisan; and, as I conceive, a graver charge cannot be made against any Judge. How would that learned Judge stand if the Motion, in the present state of the matter, were not brought forward? The charge would remain. It would be said the noble Earl in his place in Parliament made a grave charge against a learned Judge; but on it being represented to him by the noble and learned Lord opposite that the charge was not sufficiently grave to be brought forward in that House he had withdrawn the Motion. It would be added that the noble Earl did not withdraw the charge, and the House had no opportunity of expressing their opinion upon it. I do hope, therefore, the noble Earl will take one of two courses—either entirely retract the charges he made or persevere with the Motion of which he gave notice.

LORD CRANWORTH: I entirely concur in what has been stated by the noble Duke. The matter must somehow or other be brought before your Lordships; but I appeal to the noble Earl whether common fairness to Chief Justice Monahan does not require that he should shape his Motion in some other terms than those in which it now appears. In its present form it communicates nothing whatever which would enable the learned Judge through his noble and learned Friend on the Woolsack or any other Peer to make his defence. Surely the notice ought to state distinctly with what the noble Earl charges the Chief Justice.

THE EARL OF EGLINTON: I am sorry, my Lords, to take up your time further on this matter, but this discussion ought not, in my opinion, to end without some expression in regard to Chief Justice Monahan coming from this side of the House. I can only say that from the position I held two years ago in Ireland I naturally came in contact with nearly all the Judges. I was frequently, both in society and on matters of business, brought into contact with Chief Justice Monahan; and I can assure your Lordships that there was no member on the judicial bench of whom I formed a higher opinion. I believe him to be a man of extremely high character and talent, and of the utmost impartiality.

THE EARL OF LEITRIM: I cannot agree to follow the counsel of the noble and learned Lord (Lord Cranworth), nor do I feel in the least called upon to do so. This matter is not without precedent, as has been asserted by the noble and learned Lord on the Woolsack. On the contrary, I find exactly similar charges were made some years ago in the other House of Parliament against an equally learned Judge—the late Baron Smith. Nay, more, I find the name of the noble and learned Lord on the Woolsack in the list of the majority on a division upon that occasion for an inquiry into that learned Judge's conduct.

THE LORD CHANCELLOR: I rise to order. There is at present no Question before the House. ["Oh, oh!"] That would be sufficient to stop this discussion from going on. But surely it will be expected by your Lordships that the noble Earl should not proceed to bring forward his charges without any notice whatsoever. I never complained in the slightest degree that he should bring a charge against a learned Judge. It might be his duty to do so. My complaint was that, without retracting the charge against Chief Justice Monahan, he abandoned his intention of bringing it on for discussion.

LORD CHELMSFORD: I rise to order. When the noble and learned Lord on the Woolsack calls my noble Friend to order he is not entitled to make a speech. My noble Friend was not bringing forward the charge against Chief Justice Monahan without notice; he was insinuating something against the noble and learned Lord on the Woolsack and the Government with which he was connected on a former occasion.

THE EARL OF LEITRIM: I am entirely in the hands of the House. I am perfectly satisfied with the notice as it stands. I am not prepared to put on the paper a bill of indictment against Chief Justice Monahan. I will not do it. I am not, like some of my advisers, a learned Lord; I am a simple layman; at the same time I have as good a sense of propriety as any noble Lord in the House. I have had occasion to complain, perhaps to the great annoyance of your Lordships, of the manner in which the Government of Ireland is conducted. In presenting a petition from the county of Donegal, I, among other matters, animadverted on the conduct of the Chief Justice; but I did not say that he stated what he knew was untrue. I said what he stated was untrue and that he must have been misinformed; that he must have received, out of court, wrong information. What I complained of was that a Judge should get information on certain matters out of doors and act upon it.

Lord REDESDALE: I really think it most desirable that this matter should end here. The noble Earl, having expressed an opinion with regard to Chief Justice Monahan, gave notice of a Motion on the subject; he is willing to say no more about it, but cannot admit that it was an indiscreet charge. A very high opinion has been expressed of Chief Justice Monahan; and he may well rest satisfied with that expression of opinion on both sides of the House—quite as well as if the charge had been discussed; and as the noble Earl is willing not to carry the matter further I really think it should be allowed now to drop.

Lord BROUGHAM: Whatever the noble Earl on the cross benches may say in words, of his refusing to retract what he before said, I consider that in substance and effect the charges against Chief Justice Monahan were withdrawn when the noble Earl consented to abandon his Motion.

TICKETS OF LEAVE—CASE OF MICHAEL GARDINER.

MOTION FOR CORRESPONDENCE.

The Earl of DONOUGHMORE moved for Correspondence respecting the granting of a Ticket-of-Leave to Michael Gardiner, a Convict, who pleaded guilty at the Spring Assizes for the County of Roscommon in 1849 to an Indictment for Conspiracy to murder Major Denis Mahon. The noble Earl said it would be in the recollection of their Lordships that in 1847 the south west of Ireland was in a very disturbed state, and that several magistrates and others were shot at, and attempts were made against the lives of a number of persons. Major Denis Mahon, one of the principal landowners in the county of Roscommon, was shot dead a short distance from his own residence. For this murder three persons were arrested, and tried at the Summer Assizes of 1848. One was convicted and hanged; a second escaped conviction, the jury having, through terrorism, disagreed; and the third, Michael Gardiner, who was indicted not for the murder but for conspiracy to murder, and who, in fact, plotted the whole affair, and employed the actual murderers, offered to plead guilty if his life was spared. In 1848 there were sixty-six prisoners for trial in the county of Roscommon, of whom four were for murder and nineteen for conspiracy to murder. In the following year, to show that crime had not decreased, there were ninety-seven prisoners, of whom nine were charged with murder and fourteen with conspiracy to murder. In the case of the murder of Major Mahon the prisoners refused to join in their panel. The man who fired the fatal shot was executed. The second was discharged, because, although he was assured by a gentleman who was present that the evidence was perfectly clear, the jury dared not agree upon a verdict. Gardiner was then put upon his trial, and offered to plead "Guilty," provided he were assured that his life would be spared. Mr. Monahan was at the time the law officer of the Crown, but it was not until subsequently, when Mr. Hatchel filled that position, that the plea was finally accepted. The result of its acceptance was that Michael Gardiner had sentence of death recorded against him—a sentence which, however, was afterwards commuted into transportation for life. He could not say in what prison the offender had, since 1849, the period of his conviction, been confined by the authorities; but in the month of March in the present year, to the great surprise of the magistrates and people of Roscommon, he received a ticket-of-leave, and was allowed to walk back to the scene of his crime, and, so to speak, to walk over the grave of his victim. It might be said he had behaved well in prison, and that according to the rules acted upon by the governors of our convict establishments he was entitled to the ticket-of-leave which he had obtained; but the simple answer to such an argument was that the sooner rules which admitted of such occurrences as that to which he was alluding were changed the better. He might add that it had been proved in evidence that Gardiner was actually the man who had loaded the gun with which the murder in question had ben committed—and some explanation was, under those circumstances, he thought, due from the Government, why it was he had been set at liberty? It was but right that he should also state that Gardiner, having gone back to his former haunts, had, he believed, some time ago betaken himself to Manchester, which was the head quarters of the Ribbon Societies of the United Kingdom, it might be there to receive instructions as to how he should proceed in carrying out the principles to which, before his imprisonment, he had been shown to be attached. He should simply say, in conclusion, that he hoped the Government would take the matter into their serious consideration.

The Duke of NEWCASTLE said, he did not wish to make a single observation in opposition to that revision of the rules of our convict prison which the noble Earl had suggested, but must assure him that so long as those rules remained as they were, the confinement of Gardiner could not with propriety have been continued beyond the period at which his ticket-of-leave had been granted. Although, he might observe, the noble Earl had given notice that he intended to make a Motion on the subject, he yet had not formally done so, and, indeed, there was no correspondence whatsoever bearing upon the point at issue, which, if ordered, could be produced. He might further observe, that as he understood the rules relating to the carrying out of our convict system, prior to the final abolition of transportation in 1857, it was an established regulation that a criminal who was sentenced to transportation for life, and was retained in this country, should be discharged on licence at the expiration of ten years from the time of his conviction, unless during the time of his imprisonment, he should have been proved to have been guilty of any misconduct justifying his further confinement. When transportation was abolished and penal servitude instituted in its stead, it had been found necessary to revise that rule; and proceeding analogically, it had been laid down that any convict sentenced to penal servitude for life should be kept in custody for a period of twelve years, with the same proviso as had previously existed with reference to transportion for life. But to advert to the case immediately under the notice of the House, he should remind the noble Earl he had omitted to mention that another man named Michael Brennan had pleaded "Guilty" on the same occasion as Gardiner to the same offence, had precisely the same sentence pronounced upon him, but had that sentence remitted by the law officers of the day, after having undergone an imprisonment of only two or three years, upon the ground that the evidence against him was much less clear than that against Gardiner. He had explained how the rules with respect to convict prisons had been changed in 1857; but Michael Gardiner was convicted under the old law, and his sentence was commuted to transportation for life. Therefore, he would have been entitled to claim his discharge on licence at the expiration of ten years; but it was felt that his case was so bad that it was requisite to carry the rules to the utmost extent that was permissable, and, therefore, Michael Gardiner was detained for twelve years, and was not discharged before March of the present year. Consequently the noble Earl would see that however much the rules might require modification, no undue leniency had been exhibited towards Michael Gardiner, but that the full punishment was carried into execution. The noble Earl had stated that Michael Gardiner had been very recently walking about Stroke's Town. He (the Duke of Newcastle) was not aware that that was the case, but he was glad that the noble Earl was aware that the man was no longer in that neighbourhood, and had removed to Manchester. He was acquainted with the name of the street and the number of the house where the returned convict was residing. He could not say whether the man had gone to that town for the bad motives glanced at by the noble Earl, or from a desire to get out of a neighbourhood, a stay in which ought, from reminiscences, to be so horrible to his feelings; but the noble Earl would admit that the Government could have taken, according to the usual rules, no other course than that which had been adopted, though it might be a question whether the rules should not have more elasticity than at present.

The Earl of EGLINTON believed that the convict system in Ireland worked generally in a most excellent manner, but he was convinced, from the explanation given and from his own experience, that in this instance nobody was to blame and that the system alone was in fault. He also quite concurred in the hope that that system would be so far changed as to prevent such gross cases as that now brought before their Lordships' notice. He thought that a man condemned to penal servitude for murder for life should be placed apart from his fellow beings for the rest of his life. He was induced to intrude now upon their Lordships' attention in consequence of a case which occurred while he was in Ireland. In an island near Dublin, called Ireland's Eye, a man named Kirwan murdered his wife in a most dreadful manner, and upon circumstantial evidence he was convicted and sentenced to death. A memorial, as was usual in all such cases, for a remission of the sentence was presented to him, and to his surprise the memorial was supported by the opinion of the two presiding Judges—Mr. Justice Crampton and Mr. Baron Greene, Judges of the highest character—on the plea that evidence had since come to light which ought to have been brought forward at the trial, and which might have saved the man from conviction. His own impression was that the man, if innocent, ought to be pardoned altogether, and, if not, that the extreme penalty of the law should be inflicted; but, of course, where the two Judges recommended a commutation of the sentence, he could hardly, on his own responsibility, order the man for execution. He felt so strongly on the subject, however, that he laid the case before the then Lord Chancellor, with the intention of being guided by his decision. The Lord Chancellor concurred with the Judges, and the sentence was accordingly commuted. He next heard of this dreadful murderer in the following way:—When he was again in Ireland, in 1858, the man's name appeared in a batch with others which were submitted to him with the view of recommending their return from Bermuda. He, however, refused to recommend the return of Kirwan, and he thought he was justified in that course. He was glad to have the opportunity of clearing himself from the imputation of having done, on his own responsibility, that which he felt at the time to be wrong, and of pointing out the possibility of the worst of murderers being brought back upon society under the present system.

The Earl of LEITRIM said, that with the present system of Government in Ireland it was almost impossible to preserve the peace of the country. With regard to tickets of leave, he thought that, if given at all, they should only allow the holders to go beyond the confines of the kingdom; least of all should men who had been convicted of the grossest crimes be allowed to allowed to return to the place where they had committed those crimes.

Viscount DUNGANNON expressed the satisfaction with which he had listened to the explanation given by the noble Earl (the Earl of Eglinton) respecting the case of Kirwan, and he believed this explanation would give equal satisfaction in Ireland. He had heard with surprise that a ticket of leave had been given to a person who had been convicted, at least, of a conspiracy to murder, and that he should be permitted again to revisit the scene of his former crime and perhaps, as had been forcibly said, to walk over the very grave of his victim. He thought that the release of a man who had committed an offence so closely allied to murder was inconsistent with the safety of human life throughout the country.

The LORD CHANCELLOR was also shocked that under any system a person convicted of murder, but whose sentence of transportation had been commuted, could, after the lapse of a few years, revisit the scene of his crime. He heartily concurred in the disapproval which had been expressed with regard to such a system, and he would undertake, with the assistance of the Home Secretary and of the Under Secretary of State (Mr. Waddington), to revise that system, and see whether such an abuse could not be put an end to.

The Earl of DONOUGHMORE expressed his acknowledgments for the assurance given by the noble and learned Lord, and said he was quite satisfied with the result of the discussion which had been elicited.

The Duke of NEWCASTLE said, he appeared to have been misunderstood both by the Lord Chancellor and the noble Lord. What he was explaining was the rule as to convicts in Ireland. The rule as to ten and twelve years' convicts in England was quite different.

House adjourned at Half-past Seven o'clock, 'till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, June 13, 1861.

Minutes.] Public Bills—2° East India Council, &c.; East India (High Courts of Judicature); East India (Civil Service); Dealers in Old Metals.
3° Excise and Stamps.

MERCHANT SHIPPING ACTS.

QUESTION.

Sir HENRY STRACEY said, he rose to ask the President of the Board of Trade, On what day he intends to move for leave to introduce his Bill to amend the Merchant Shipping Acts? The reason he put the question was that the right hon. Gentleman had informed him it was his intention to introduce the Bill, if possible, this week, and had authorized him to write to his constituents, with whom he had compromised himself. ["Order, order!"]

Mr. MILNER GIBSON said, it was extremely difficult to give a decided answer as to the time when public business would come on. He was very anxious to bring in a Bill, but he could not tell the hon. Baronet on what day it would be introduced, or whether it would be possible to introduce it at all during the present Session. He was not able to command time; but in a day or two he trusted he would be able to give the hon. Baronet a positive answer.

THE MAIL CONTRACTS.

QUESTION.

Mr. GREGORY said, he wished to ask the Secretary to the Admiralty, The number and date of the different breaches of contract committed by the Cunard, Peninsular and Oriental, and West India Companies, during the two first years of their service, and the number of penalties imposed; and to ask the Secretary to the Treasury in how many instances such penalties were remitted by the Treasury?

Colonel FRENCH said, he wished to ask how it had happened that the Papers for which he had moved in reference to that question, and which had been ordered by the House, had not yet been produced?

Mr. PEEL said, that the papers for which the hon. and gallant Member (Colonel French) had moved were being prepared by the Admiralty; and he (Mr. F. Peel) could not state when they would be ready. In reply to the question of the hon. Gentleman the Member for Galway county (Mr. Gregory), he had to state that, although he had had some difficulty in procuring the information which the hon. Gentleman required, in consequence of the distance of the time to which it referred, he had, he believed, succeeded in ascertaining all the facts which were necessary to furnish an answer to that question. He would first take the Cunard Company. That company had beeen in existence since the year 1840, and during the whole of that time, and not merely during the first two years of their existence, they had never committed any breach of contract; they had incurred no penalties, and they had never, that he was aware of, at any moment asked for any indulgence or allowance from the Government; they had, in fact, carried the mails with undeviating regularity during the twenty-one years of their contract. The Peninsular and Oriental Company had been almost equally successful in the regularity with which they had performed the obligations of their contract; and he could only find one instance of the imposition of a penalty upon them, and that was with regard to their branch service between Malta and the Ionian Islands. In the year 1841 or 1842 they failed to provide a vessel for the conveyance of the mails between Malta and those islands, and they were fined £1,000 for that breach of contract, and they were required to pay that sum. With regard to the West India Company he found that that company should have commenced their voyages on the 1st of December, 1841, according to their contract, but in consequence of a delay in the completion of their vessels they were allowed to postpone the opening of the service for a single month, that was to say until the 1st of January, 1842. He could find only one instance of a breach of contract on their part in the departure of their vessels from this country, which was in the month of December, 1842, when one of their vessels was five days behind time in leaving the port of Falmouth. In consequence of that delay they were fined £3,500; and, although they remonstrated very strongly against the imposition of that penalty, the Government insisted on its payment. He would refer to the evidence of Colonel Chappell, who stated with respect to that company before the Committee, in 1849, that—

> "There have been 181 mails despatched from this country since they commenced, which have all gone at the appointed moments with one exception, for which the company were, in my opinion, most unjustly fined £3,500, which they were obliged to pay."

With regard to the Intercolonial Mail Service, it appeared that it fell into great confusion and irregularity during the first year of their contract. They alleged that the reason of that irregularity was that the scheme of routes was so intricate and so extensive as to be almost impracticable. The Admiralty, however, maintained that the real cause was that the company did not maintain a sufficient number of vessels in the West Indies, and they fined the company £8,000 on account of the deficiency in the number of their vessels. The objection, however, made by the company to the scheme of routes was afterwards admitted, and that scheme was altered, and the penalty was remitted by the Government. The only other fine they had incurred in the nature of a penalty, as far as he could discover, was one in the year 1842, also in connection with a disarrangement of the intercolonial service of the company. Upon that occasion they were compelled to pay £2,715 for the assistance the Government had rendered them in carrying the mails between the West India Colonies. Their own vessels not being ready upon the appointed day the Government sent a ship of war, or one of the Consuls hired a vessel, and in consequence of that service a sum of £2,715 was abated from the amount to which they were entitled. That was, he believed, a complete statement of the breaches of contract on the part of any of those companies, and of the penalties to which they had been subjected.

INDIAN ARMY—MEDICAL BRANCH.

QUESTION.

Mr. BLAKE said, he would beg to ask the Secretary of State for India, If he has any objection to state what arrangements have been made with regard to the position of the Medical Officers of the late East India Company's Army on its amalgamation with the Queen's Forces; whether it is intended that Medical Officers who received an increase of rank by the Warrant of January, 1860, similar to that granted to Officers of the Queen's Army by the Warrant of October, 1858, shall also receive the same increase of pay in proportion as was then granted to Medical Officers in the Royal Army; and are the Senior Medical Officers of Her Majesty's Indian Service to be promoted to the rank of Principal Inspector General, Inspector General of Hospitals, and Deputy Inspectors General of Hospitals, as heretofore, when vacancies occur; or are those appointments in future to be filled by the Medical Officers of Her Majesty's Royal Army?

Sir CHARLES WOOD said, he was sorry to say he could give no satisfactory answer to the hon. Gentleman. The whole question of the Medical Staff and Medical Service in India was under the consideration of the Indian Government and the Secretary of State for War, and until some decision was come to it was impossible to give the hon. Gentleman the information required.

FISHING AFFRAY ON THE SCOTTISH COAST.—QUESTION.

Mr. CAIRD said, he wished to ask the right hon. and learned Lord Advocate, Whether he has heard that one Fisherman on the coast of Argyllshire has been killed, and another wounded, by shots fired from Her Majesty's Steamer *Jackal*, or her boats; and whether he will explain to the House by whose authority this was done?

The LORD ADVOCATE said, he was not able to answer the last portion of the question of the hon. Member. He had, however, received a pretty full account of the unfortunate occurrence; but as it would necessarily form the subject of a judicial investigation, it would not, perhaps, be proper for him to enter into a full statement of the details. The accounts of the transaction were rather conflicting. On the one hand, there was the evidence of the boat's crew, and there was that of the revenue officers on the other. It appeared from the statement of the latter that they had gone out for the purpose of seeing whether the men were engaged in illegal fishing, and that they found them in the act of trawling. The officers then landed two marines, and those marines went round until they got within the vicinity of the fishing boat; they called to the fishermen, who continued their occupation. They then fired blank cartridge, and afterwards a shot, intended, as he understood, to be wide of the mark. On the other hand, the fishermen did not admit that they were trawling. They said that they were hailed, and that immediately on being hailed they replied that they were coming on shore, when a shot was fired, and one of their number was killed.

EAST INDIA (CIVIL SERVICE) BILL.

QUESTION.

Mr. ADAM said, he would beg to ask the Secretary of State for India, Whether, as he has three most important Bills on the Paper for Second Reading to-night, and as neither this House nor the Public has had sufficient time to consider the probable effects of all these Bills, he will not consent to postpone the Civil Service Bill until a later day?

Sir CHARLES WOOD said, that the question of his hon. Friend behind referred to only one of the Bills. Now, any alteration to be made in that Bill must be made in Committee. He had an alteration himself to propose in Committee, and he, therefore, hoped there would be no objection to take the second reading of the Bill that night. He did not intend to fix the Committee on the Bill before that day week, which would afford ample time for considering its provisions.

SYRIA—THE GOVERNOR OF THE LEBANON.—QUESTION.

SIR JAMES FERGUSSON said, he rose to repeat the question which he had addressed to the noble Lord the Secretary of State for Foreign Affairs the other night, Whether it is true that it has been decided at Constantinople by the Representatives of the Powers that the Lebanon shall be placed under a Governor who shall be selected from the Maronite sect; and, whether that Governor is not to be under the orders of the Governor General of Syria, but is to communicate directly with the authorities at Constantinople? He also wished to know whether that decision has received the assent of the Representatives of Her Majesty?

LORD JOHN RUSSELL: Sir, I have to state that the arrangement which has been agreed to is that there shall be a Christian Governor of the Lebanon; but it is not specified in the agreement whether he is to be a native of the Lebanon or not. The Commissioners had agreed, with the assent of all their number, except the French Commissioner, that the Governor should not be a native; but when the question came to be considered by the Representatives of the various Powers at Constantinople it appeared that they had received different instructions from their respective Governments. It was agreed, however, upon the proposition of the Prussian Minister at Constantinople, that a Christian Governor of the Lebanon should be appointed, but, as I have stated, without any specification whether he was to be a native of the Mountains or not, and in that arrangement Her Majesty's Ambassador concurred. As to the other part of the hon. Baronet's question, I believe the Christian Governor will be under the orders of the Pasha of Sidon; but I cannot give a positive answer on that point because Her Majesty's Ambassador has informed me that various details were to be consigned to a Protocol, and I have not yet received any notice of such a document.

INTERVIEW BETWEEN VICTOR EMMANUEL AND LOUIS NAPOLEON.

QUESTION.

MR. CRAUFURD said, he had to ask the Secretary of State for Foreign Affairs a question of considerable importance in reference to a statement which he had seen in an Italian Paper, and which bore in a particular manner on the present state of Italian affairs. He had just seen a statement to the effect that his Majesty the King of Italy had left Turin and repaired to the town of Tulos, near St. Jean de Maurienne, which was within the French frontier, in consequence of an urgent despatch from Paris, and that it was supposed it was for the purpose of meeting his Majesty the Emperor of the French there. He wished to know if the noble Lord had any knowledge of the matter?

LORD JOHN RUSSELL replied that he had no knowledge of the circumstance.

EAST INDIA LOAN BILL.

COMMITTEE.

Order for Committee read.

MR. HADFIELD said, he thought that trustees ought to be allowed to invest trust money in the stock which would be created by this Bill in the same manner that they were allowed to invest in the existing India stock, and gave notice that he would move a clause to that effect.

SIR HENRY WILLOUGHBY said, that that House had been called upon from time to time to vote loans for India, which amounted in the aggregate to an enormous sum, and yet they knew very little at any particular moment of the financial condition of that country. It was quite astonishing to see how mistaken the right hon. Gentleman the Secretary of State for India had been in the statements he had submitted to the House with reference to the finances of that country. The right hon. Baronet was, no doubt, anxious to state what was the truth, but the facts had completely contradicted his anticipations. On the 6th of February last he told them that, although a loan might be required in the course of the year on account of the Indian railways, none would be necessary for the current service of the Government; and the right hon. Gentleman had, in fact, made what was known as a "prosperity" speech. He (Sir Henry Willoughby) said at the time he thought the right hon. Baronet took too sanguine a view of the financial state of that country, but he was rebuked by the hon. Gentleman, the present Under Secretary for War (Mr. Baring), for his want of confidence in the calculations of the Indian Minister. The fact was, however, that the House was now asked to sanction a loan on account of India to the amount of £4,000,000. That loan would raise the debt of India to more than £100,000,000, upon which an annual interest of £5,000,000 would have to be paid, although the interest on the Indian debt in 1857, only four years ago, was only £2,500,000. On the 3rd of June the right hon. Gentleman said that he anticipated that in the year 1860-1 there would be a reduction of expenditure. A few days after there came a lengthy statement from Mr. Laing which showed that the expenditure of that year, instead of diminishing, would be increased by about a quarter of a million. The financial condition of India seemed to him to be totally unintelligible. Mr. Laing had certainly made a very able statement upon the subject, just as his predecessor, Mr. Wilson, had done a short time previously. They were at present aware, however, that there was not much ground for their trusting to the calculations of the latter distinguished and lamented gentleman. The scheme of Mr. Wilson had since fallen to the ground; and, although Sir Charles Trevelyan had told the truth in a rather awkward way, it was clear that he was entirely right and that Mr. Wilson was entirely wrong. It was now generally admitted that the only remedy for the unfortunate state of the finances of India was to be found in a reduction of military expenditure. They were all very much at sea with respect to the real condition of the evil with which they had to deal. They were intermingling the expenses of the Indian Government with the outlay upon gigantic railway works; while, in his opinion, the two subjects should be kept entirely distinct, or nothing but danger and confusion would ensue. He confessed it appeared to him that Mr. Laing, in his recent calculations, had taken too favourable a view of the finances of India, and he doubted very much whether it would be possible to realize in the coming year that Gentleman's anticipated surplus. We raised the enormous revenue of £41,000,000, and Mr. Laing attempted to show that this would leave a surplus over expenditure; but the hon. Gentleman's own figures showed this to be very doubtful. Mr. Laing proposed to effect a reduction of expenditure by abolishing the navy of India. But the result of such a measure would be to transfer an expenditure of £600,000 or £700,000 from the revenue of India to that of this country. He (Sir Henry Willoughby) believed that there were many items of expenditure which Mr. Laing had overlooked—such, for instance, as the loss on the exchanges, which might be estimated at £500,000 a year. Nothing could be more amusing than to read the affectionate exhortations addressed by the right hon. Gentleman to the Government of India, urging them to reduce their expenditure, and the replies of that Government, humbly suggesting that he should reduce the home charges. But the truth was that the House had no means of controlling the expenditure of India. No doubt, the home charges, especially as regarded the military expenditure, were most extravagant, and in asking for this loan the right hon. Baronet ought to show the necessity for those charges. Was it true that, although the men in the depôts had been reduced by one-half, yet that the officers who were paid out of the Indian revenue had been maintained at their full strength; and had not stores been sent from this country to India which were not required there and had not been asked for? It was the duty of the House to call upon the Government to look strictly into these matters. The debt of India had increased from £59,500,000 in 1857 to £103,000,000, and the only chance for that country was the reduction of the army. Yet those reductions could not be carried out without danger. He understood that 200 regiments of the Native army were about to be reduced. [Sir CHARLES WOOD signified that this statement was not correct.] He believed that 100 battalions were to be reduced *instanter*. He thought that sudden changes of that kind in India, where affairs were in a delicate, if not critical, state, were much to be deprecated. He doubted the wisdom also of imposing new and dangerous taxes upon the people, and, above all, he was certain that they were acting with great impolicy by adding to the existing dead weight of India, which at this very moment was not less than from £15,000,000 to £16,000,000. It was, therefore, with very great reluctance that he saw this proposition for an Indian loan brought forward, particularly after the assurance of the right hon. Gentleman that the year

1860 would see the end of these loans. With respect to the accounts, he could not too strongly condemn the mode which had been adopted, of mixing up railway accounts with the general revenue of the country.

COLONEL SYKES said, that unless the Secretary of State for India was assisted by means of a loan he would not be able to fulfil his engagements in this country, and the public service would be, in consequence, greatly damaged. The estimates sent from India were not trustworthy, and the explanations not easy to be understood. First they were told that no less then £6,678,097 would be required to balance the income and expenditure in 1860-1; and now, coming close upon the heels of the former estimates came one from Mr. Laing, in which he stated that he actually anticipated a balance of income over expenditure of £239,896 in 1861-2. That excess of income could, however, only be obtained by making a very formidable and dangerous reduction in the Native army. He did not know whether it was resolved to reduce as many regiments as had been stated, but he believed the proposal was to dismiss 64,000 men. Surely the Indian Government would not be guilty of such rashness and impolicy as to dismiss all those men who had been trained to arms at once? The saving, therefore, could only be prospective, for if they proceeded to disband this large number of men at once the result would be to cover the country with bands of brigands. If, in addition to reviewing the Indian expenditure, his right hon. Friend would turn his attention to the expenditure at home, he would find a wide field for curtailment. The troops in the depôts far exceeded the number required, and the amount of stores sent out to India was so great as to be actually embarrassing to the authorities there. At the same time he was sensible how inexpedient it would be to embarrass the right hon. Gentleman, and, therefore, though with very great reluctance, he should vote for the loan.

MR. CRAWFORD said, that in reference to the remark of the hon. Member (Sir Henry Willoughby) that the Indian Government had embarked in "gigantic railway schemes," he wished to remind the House that every one of the railways waiting for completion had been contracted for by the old Court of Directors, and certainly no contract of the kind of any importance had been entered into since the time of the mutiny; the Government, therefore, were merely carrying out engagements into which they had long entered. If the railways were not completed, the Government would sustain immense loss in paying guaranteed dividends upon the money raised, and, therefore, it was far better for them to advance the money required to complete them with as little delay as possible. Practically, no difference would be made to the money market, for no greater amount would be levied by the Secretary of State than the companies themselves would raise were they in a position to do so. He utterly denied that the statements of accounts were obscure. Having read with great attention the speech of Mr. Laing to the Legislative Council, and the various official returns and accounts submitted to the House, he must say that he had never seen financial statements conveying a clearer perception of the matters to which they referred, the railway accounts being kept wholly separate from the general accounts of the Government of India. It was true that occasional mistakes were found to have been made in the estimates of expenditure; but when such difficulty was experienced in attaining a clear view of the public income and expenditure of this country, as appeared from a Return recently laid on the table of the House, it was not to be wondered at that discrepancies were sometimes observable in the statements of Indian revenue. For himself he did not feel the slightest apprehension for the future of India, either in respect to finance or any other matters, and he believed that the Government of that country were fully prepared to take every measure for the curtailment of the expenditure with judgment and discretion.

MR. AYRTON said, in times past he had joined in pressing on the Government the necessity of embarking in the construction of Indian railways, and he thought the right hon. Gentleman the Secretary of State for the Indian Government had some reason to complain that rival schemes should now for the first time be pointed out as desirable or advantageous. For his own part, he did not think the objections well founded. It was suggested the other night that the water communications might be so improved as to render railways unnecessary; but this idea was opposed to the experience of practical men for the last ten or fifteen years, and to the considerations which had repeatedly been urged upon the Government. In connection with the construction of railways in India, they had seen enough to show them that there must be ground for stating that it was not easy to improve the water communication, and that great results in the way of such improvement could not be effected for the small sums which some persons considered to be sufficient for that purpose. His own idea was that the Government could not have adopted a better course than promoting the lines of railway they had sanctioned. It was not enough for the right hon. Gentleman to come and ask for power to raise money to contribute to the railway companies, unless he gave those companies practical support and protection in the prosecution of their great enterprises, and unless he gave guarantees that he was willing to carry out the engagements of the Government with perfect good faith. For instance, he understood that the Government were now offering land to the companies, in very inconvenient situations, provided they would pay for it; whereas the original understanding was that the Government would grant the land to the companies free of cost, wherever they wished for it. He trusted that the right hon. Gentleman would see that it was very shortsighted policy on the part of the Government to attempt to gain any small advantage over the railway companies, or to deviate in the smallest degree from any engagements, however onerous, which they had undertaken, with a view of inducing private persons to invest their money in those railways. If he held out the prospect of fresh guarantees, and brought new competitors into the market, great difficulties would be experienced in raising the money necessary for the completion of the present undertakings. As the right hon. Gentleman had sent into the market a number of companies, all with guarantees, and all competing with each other for capital, there was no other course open to him than that of obtaining the loan which he now proposed to raise. It should be remembered that the money thus raised would not be unproductive; it was not analogous to loans raised to make good deficiences of Indian revenue, but would pay interest, which would be derived from the industry which the railways themselves would develope.

Sir CHARLES WOOD said, the first question raised was that of the hon. Member for Sheffield (Mr. Hadfield). He (Sir Charles Wood) was the last person to object to the introduction of such a provision in its proper place as the hon. Member proposed, but he did not think it would be proper that the clause suggested should be introduced into the Bill before the House. In 1859 a Bill was introduced to amend the law of property and to relieve trustees, one of the clauses of which empowered trustees to invest trust-money not only in the Securities in this kingdom, but in certain other Securities, amongst which was included the Stock of the East India Company. A question was raised in the Courts of law, whether that clause enabled trustees to invest money in the loans raised in this country by the Government of India. The decision of a Court of law was, that trust-money could not be so invested in India Stock of that description, it could only be invested in the Stock of the East India Company. Now, anxious as he was to improve the India Stock, he thought that to introduce into this Bill a clause conferring that power would be very unfair; but he should be very glad to see such a power given by any Bill relating to the power of trustees to invest trust property. It was exceedingly inconvenient to mix up with this Loan Bill the general question of the finances of India. He had stated before, and he now repeated it, that he was not at present in a position to bring forward the question relating to the general finances of India. All he could say on that point was that, whether there was a surplus or a deficiency, he was alike under the necessity of asking for this loan. The hon. Baronet the Member for Evesham (Sir Henry Willoughby) said he had given too favourable an account of Indian finance in his speech in the House in February last. To show that he had not done so, he begged to read the following statement from Mr. Laing, with reference to the deficit of 1860-1. Mr. Laing in his recent speech said:—"The position, therefore, we are left in by the Budget of 1860-1 is simply this—a deficit of £6,000,000, less £500,000 increased revenue; remaining deficit, £5,500,000." What was the statement which, in February last, he (Sir Charles Wood) made to the House, and transmitted to India? On the 2nd of February he wrote to the Government of India in these words—"The annual deficit that will have to be dealt with at the close of 1860-1 may be assumed to be £5,500,000." He did not think he had taken too favourable a view of the revenue, when it turned out to be identical with that which Mr. Laing stated it to be at the end of the year. At the same time he must admit that there were certain discrepancies in Mr. Laing's statement, which, without an explanation not yet received, it was impossible to reconcile with the accounts on the table of the House, and he should only refer to one of them. Mr. Laing stated that so far from there being a diminution of expenditure in 1860-1, as compared with 1859-60, there was a positive increase of upwards of £200,000 in 1860-1. But there were on the table of the House the official accounts, signed by the Members of Council, and the figures showed that the nett expenditure amounted in 1859-60 to £43,997,000 and in 1860-1 to £38,362,000, showing an actual reduction in the gross expenditure amounting to £5,635,000. He begged to say that upon the whole he was inclined to place more confidence in the official document, sent with the authority of every Member of the Council of India, than in the statement of the hon. Gentleman made in the reported speech. It appeared that there was a balance of £1,000,000 more in the Indian Exchequer than had been anticipated, and he had a general confidence in the improved state of the Indian finances. What the hon. Member for the Tower Hamlets (Mr. Ayrton) said was perfectly true. But he (Sir Charles Wood) would again repeat whilst with regard to the income and expenditure of India it was easy to keep the railway expenditure distinct, with regard to Ways and Means it was impossible to separate it. In this country we depended on the railway receipts for payment; the railway expenditure in India depended on the public treasuries; so that it was impossible to keep this expenditure apart from the account of Ways and Means. Then he had been asked why he was obliged to have recourse to this fresh loan? It was not for the purpose of keeping a balance between income and expenditure, but because he (Sir Charles Wood) was not in possession of funds at home to make the payments that must be made. He had in the home Treasury £2,000,000 more last year than he had this; and he had sent £1,000,000 to meet the possible demands on account of the famine and of the railroads—so that he had £3,000,000 less at his banker's this year than he had last. With the exception of the demands for railways, he did not expect to have to borrow a single sixpence, in order to defray the expenditure of India.

Bill *considered* in Committee; House *resumed;* Bill *reported,* without Amendment, to be read 3° *To-morrow.*

EAST INDIA COUNCIL, &c., BILL.

SECOND READING.

Order for Second Reading read.

MR. VANSITTART said, that this was a most important Bill—so important that it might be regarded as the pivot upon which the future good government of India turned. In considering this question it appeared to him that the first step to be taken was to decide the principle on which it was proposed to govern India:—In other words, was it proposed to govern her from home, by adapting to Indian feelings and habits the system which prevailed in England; or was it proposed to leave the responsibility of taking the initiative in all matters which affected India to her local Governors and Legislative Councils? If the House decided for the former course he maintained that the sooner the present Calcutta Legislative Council was shut up the better, and all central legislative authority should be vested in the Governor General and his Supreme or Executive Council, subject to the control of the Secretary of State for India and his Home Council. If, on the other hand, they decided to adopt the latter course, an Act should be passed to enlarge the numbers and powers of the existing Calcutta Legislative Council, and to extend similar Councils to Madras and Bombay. In the latter case the Supreme or Executive Councils at the different Presidency towns, together with a large proportion of the Home Council, might be advantageously and economically abolished. Now that India had been fully incorporated with the rest of Her Majesty's dominions he could not understand the object of saddling her revenues with the expense caused by the maintenance of three separate and distinct Councils. As far as he could learn from the explanatory statement of the right hon. Baronet in introducing the Bill it appeared that it would have the effect of multiplying these Councils very considerably, of which there were already too many, and of re-establishing the old system of scattering local boards of administration or local councils over the country. Shortly after Lord Ellenborough arrived in India he turned his powerful mind to the consideration of this very question, and, knowing by experience how cumbersome and expensive they were, he substituted responsible Secretaries in their place, and abolished the boards of revenue, salt, opium, stamps, and several others. In 1849, on the annexation of the Punjab, a board of administration was formed for the Government of that province. It consisted of Sir John, then Mr., Lawrence, Sir Robert, then Mr., Montgomery, and Mr. Mansell. Lord Dalhousie, however, very soon found that it would not answer, and he accordingly abolished it, and appointed Sir John Lawrence as Chief Commissioner of that province. Independently of these defects there were several others in this Bill. The local Councils to be assembled at the pleasure of the Governor General in different parts of the country were to possess such limited powers that they would be merely itinerant vestries. It was proposed also to curtail the powers of the Central Legislative Council to such an extent that it would present a more pitiable appearance than it had done since it was first created in 1853 by the right hon. Baronet. He did not, however, quite understand what was to be the nature and constitution of these Councils. He feared, therefore, that this Bill had been hastily and crudely considered. He was the more disposed to think so because, on perusing the correspondence on the subject which the right hon. Baronet had placed on the table, the three separate despatches written by the Governor General, dated the 9th of December, 1859; the 15th of January, 1861; and the 23rd of January, 1861, differed very materially from each other as to the constitution of these Councils. It was, moreover, much to be regretted that the right hon. Baronet had allowed three-fourths of the Session to pass before he introduced this Bill, and Bills Nos. 2 and 3, which also stood for a second reading this evening, so as to render it impossible to send them up to the other branch of the Legislature in sufficient time to be properly discussed this Session. Looking to the breathless haste with which these Indian Bills were being pushed through the House—the great mass of business to be got through during the remaining six weeks of the Session, such as Appropriation of Seats Bill, the Election Law Amendment Bill, the Highways Bill, the Galway Contract, Church Rates, Artistic Copyright, County Surveyors, and several other Bills; and, considering lastly, that the Committee of Supply was almost untouched, he thought it would be more prudent to withdraw these three Indian Bills until next Session. If a Motion were made to that effect he should be prepared to give it his cordial support.

Mr. W. E. FORSTER desired that the Secretary of State for India should inform the House whether the proceedings of the principal Council at Calcutta were to be made public or not. It had been hitherto in the power of the Governor General to make regulations for the Legislative Council, and such regulations were made by Lord Dalhousie, and the deliberations of the Council were conducted much in the same manner as the deliberations of the House of Commons. By the 19th section of the Bill of the right hon. Gentleman it was provided that the Governor General should have the same power as hitherto, and he would, therefore, be able to make regulations for the new Council. But he was exceedingly anxious to know—he did not want defined in actual terms—what sort of regulations would be made? It appeared from his introductory speech, that the right hon. Baronet seemed to expect the regulations would be very different, and to desire that that should be the case; and he found also, upon reference to the despatches, that Lord Canning disapproved of the manner in which the proceedings of the Council had been hitherto conducted. What he wanted to know was whether the Council were to sit in secret or public session, and whether the reports of their deliberations were to be made from day to day, or at the end of the discussion of any particular measure, or not until the end of the session? The only information they had obtained upon this point was conveyed by the despatch of Lord Canning, dated the 15th of January of this year, in which, after alluding to the disadvantages which were felt in the mode of publicity hitherto allowed, he went on to say—

> "For these reasons I recommend that in the Legislative Councils of the North-Western Provinces of the Punjab, as well as in that of the Governor General, the business should be conducted as in a committee or commission, and not in the form of a set Parliamentary debate, and the proceedings should be reported under the control of the Governor General."

This insured that the proceedings should be reported; but it did not insure that they should be reported from day to day. That was a matter of principle, involving the important question whether public opinion in India was to influence the discussion of laws while they were in process of being made. He was glad it was intended that there should be not only non-official European Members of the Council, but that Natives were also to some extent to be admitted, so as to feel the way to giving them a share in the government; but he felt that if there were no means of informing the public of the proceedings of the Council, so that public opinion might be brought to bear upon them, the advantage of admitting non-official and Native Members would be very much diminished. In addition to this we had a very large number of Europeans in India, and we desired to increase the number; but in this there was the difficulty of inducing free and independent Englishmen to live under a despotic rule, and that difficulty would only be increased if the action of public opinion upon the Council were taken away. There were one or two cases to which he wished to allude, in which the advantages of the publication of the proceedings of the Council, and even of the speeches of the Members from day to day, were felt throughout India. When Mr. Wilson proposed his income tax, the measure, when it was first mentioned, was felt as one of great hardship by the English residents; but upon his explanation of the necessity of the measure, and of the equality with which it was to be levied, the objections subsided, and it was received without any objection or any feeling of dissatisfaction thoughout India. *The Times*, indeed, remarked upon the wonderful phenomenon of a community which almost liked to be taxed. Mr. Wilson also proposed a tax upon tobacco, which it was thought would not affect the English residents; but, by reason of its being known that the measure was in contemplation, the public press took up the matter, it was carefully examined into, and it was found out what a disastrous effect it would have throughout the country; and Mr. Wilson, seeing how much more important a matter it was than he had at first supposed, and seeing how great its effect would be upon the Natives, reduced the tax from about 3*s*. a pound to 6*d*., and afterwards abandoned it altogether. The publication of the proceedings in this case probably prevented a passive resistance to the tax throughout India. Another reason why he could not help thinking that it would be absolutely necessary to take care that the proceedings should be published from day to day was that it was permitted to the Governors of the different Presidencies to make regulations for their own Councils, subject to the sanction of the Governor General, and he had no doubt the Governor General intended that the proceedings of the local Councils should be conducted as at present. He could not help thinking that if they had the local Councils confined by the arrangements of this Bill to a very subordinate position to the General Council, while they had the strength and prestige which would be given by having their deliberations placed before the public, there would be a clashing of power which would make the whole machine very difficult to work. He was very sorry that the local Councils were to be debarred from entertaining questions with regard to the land tax. [Sir CHARLES WOOD: That is a misprint.] He was glad to hear that it was so. We were all looking to India for the supply of cotton, of which we were deprived by what was going on in America, and he believed that that which, as much as the want of railway communication, operated almost as a preventive to the growth and supply of cotton, was the exceedingly onerous and oppressive nature of the land tax.

SIR CHARLES WOOD was understood to explain the precise nature of the misprint to which the hon. Gentleman had referred; but his remarks were inaudible in the gallery.

MR. LAYARD said, he did not think any assembly had ever been called upon to discuss three measures of such enormous importance as the three relating to India which they were now to discuss at so late a period of the Session. They were measures not only of great importance in themselves, but they involved principles which might hereafter affect our rule in India to an extent which few there present would imagine. He did not rise with any desire of opposing the Bills; on the contrary, he willingly admitted that the Secretary of State for India had shown a desire to deal in a large and fair way with this exceedingly difficult question of the Government of India, and had made changes which deserved the approbation of all who took any interest in Indian affairs. He (Mr. Layard) viewed the Bill before the House with much favour, although he was not perhaps prepared to go the whole length of supporting all its provisions. In two respects it would improve the state of things in India. In the first place, it would make the Government by Councils more effective than it had been; and secondly, it would give an opening for the employment of Natives in a position in which he much wished to see them employed. He thought no one could doubt that the Legislative Council established some years ago had been a failure. That Council was neither a consultative Council, nor a representative Council nor a Legislative Council. The Governor General did not consult that assembly, or if he did consult it, and received advice, he did not consider himself bound to act upon it. Very recently there had been an instance of that. When a Motion for papers was made in the Legislative Council, and carried by a majority, the decision of that majority was treated, he might say, with contempt. No notice whatever was taken of it. The Council was not simply a Legislative Council because it had debates somewhat after the fashion of that House, and had orders and regulations not unlike those of the House of Commons. It was not a representative assembly because it represented nobody except a few officials—it did not represent the Natives, nor that portion of independent Englishmen established in India who were engaged in various matters connected with commerce and agriculture. With regard to knowledge of the wants of the country the Council was also deficient. It was true the two Presidencies of Madras and Bombay had representatives there; but there was only one for each of the Presidencies, and there was an overwhelming majority against them; and not only that, but those Members could not represent the views of the Presidency which sent them. Recently, in the case of the income tax, the representative of Madras was prevented from making those representations in Council which Sir Charles Trevelyan charged him with, and the reason why Sir Charles Trevelyan took the course he did was because it was impossible that the objections which he took in the most forcible manner to the scheme could be urged in the Legislative Council. Now, he was of opinion that the introduction of such Councils as were proposed by the Bill would have a very great effect in India. First of all, it would enable local Councils to deal with matters with which they were locally acquainted. Every Gentleman knew that the population of India was made up of many different races with the greatest variety of creeds, and with different manners and customs; so that the Bengal civil servant, who might know Bengal, might be perfectly ignorant of every other part, and what was good legislation for Bengal might be very bad for the other Presidencies. Could any one doubt that if the income tax had been discussed in the local Councils of the several Presidencies it would have passed? Certainly not. In Madras everything that Sir Charles Trevelyan prophecied had come to pass. There was no one acquainted with India but thought the imposition of the income tax was a great mistake, and that sooner or later it would have to be abrogated. There was another thing in which he thought the Bill would prove advantageous, and that was that it would give the two Presidencies, and ultimately the North-West Provinces and the Punjab, an interest in self-government. And, thirdly, he considered the institution of Legislative Councils as a great step to the division of that great country into distinct governments. He did not agree with his hon. Friend the Member for Manchester in thinking that the time for that had come—but it might yet come. Besides, those Councils would relieve the Governor General from much of those business details which he had now to go through, and which rendered it almost impossible for him to get through the public business entrusted to his charge. As for the representation of the Natives, he did not think that the Bill went far enough, and he should, therefore, be prepared to take the sense of the House when in Committee on an Amendment that one half of the "additional Members" should be Natives. He thought it of the utmost importance that Natives should be admitted to these Councils. Hitherto the Natives had no representation whatever, either in India or even in this country—there was scarcely a Member of that House who raised his voice in their name, while the independent Englishmen established in India, of whom the House had heard a great deal, and who were said not to be represented, made noise enough, had the whole press in their favour, and were enabled by their money and influence to command attention to their claims. What he wanted to see was the Natives represented in fair proportion to the independent English settlers in India. It was said that the Natives would not speak in the Councils at all, but would always defer to the opinions of European members. He was inclined to doubt this; but at least, if they were admitted now, in the next generation they might be expected to say a few words, and in the third they would, perhaps, speak as much as Europeans. They could not be expected at once to take part in business which had been the heirloom of the Anglo-Saxon race; but they might be educated to take part, and he thought they would feel proud to take part, in the proceedings of these Councils. He agreed with Lord Canning that most important and valuable advice might be obtained from the Natives of India, and he ventured to say that during the short journey he had made in India the most important and most interesting information he obtained was from Natives. He found that they took the broadest views of Indian affairs—not the European view, but the Native view—which it was of the greatest importance that the Government of India should understand. He was sorry to see the tendency in England to treat India as a colony, like Australia, and not as a dependency. There was the greatest difference between the two. India was a dependency, but Australia and Canada were colonies. In the latter the Government might dispose of the lands, and plant settlers; but they could not do so in India. In India they had a country thickly populated, every inch of soil belonged to some one, and an ancient civilization, not perhaps of a very high kind, but still a civilization, and the remains of a people who had done great things. Nobody who had been in India but must have been struck by the magnitude of the works which had been executed there, and which showed that the resources of India were at one time developed to an extent to which they were not devolped at the present day. It was all very well for gentlemen of Manchester to say that the Natives were lazy, and that Englishmen must be sent there to make them work. They could not make a lazy people work. But he denied that the Natives were lazy. Let them look at the troops, and he would venture to say that no troops ever exceeded them in what they had gone through. He had heard that they would march even thirty-five or fourty miles a day without a halt, and they had done so during the late mutiny. But the question was not the idleness of the Natives, but simply a question of return for their labour. In the indigo districts the planters had endeavoured to make it appear that the ryots had resisted the cultivation of indigo, and were opposed to the introduction of English capital; but he believed there never was a statement more opposed to the truth. Let them be paid and a return for their labour given them, and they would cultivate indigo, cotton, or anything else. But in the petitions from Manchester the Natives were altogether ignored, as if those creatures did not exist at all. He was not opposed to the introduction of English capital; on the contrary, he thought it would be the best means of binding the two countries together. All that might be effected by wise and judicious legislation, and if the Legislative Councils performed their duty, and if the Native element were properly represented in them, there would be a much safer and sounder state of affairs in India. As to publicity there was nothing about it in the Bill. He thought it right that there should be publicity, but he agreed with the Governor General that in that case it would be necessary that the people should not be misled as to what was passing in the Councils. The people of India had prejudices of their own, and those prejudices ought to be respected. A mere mistake, a mere misunderstanding led, perhaps, to that dreadful mutiny which ended in the destruction of so many of our fellow creatures. Lord Canning stated that authorized reports might go forth, and he (Mr. Layard) thought that if there was to be publicity there should be a competent person to see that proper reports were published. The press was now almost as influential an organ in India as it was in England; many papers were circulated throughout India of which they knew nothing; but all those papers would report what passed in the Legislative Councils, and it would not be easy to say the enormous amount of mischief that might be done by any misstatement of the proceedings. He thought the powers of the Legislative Councils too much restricted, and he hoped the right hon. Gentleman would consider in Committee whether more latitude might not be given to them. Questions regarding the finance of India, its revenue, its debt, might with advantage be discussed by those Councils. He thanked the right hon. Gentleman for what he proposed to do. He believed he was pursuing the proper policy for the Government of India; and he believed that that policy, if consistently carried out, would tend to reconcile India to this country.

Sir EDWARD COLEBROOKE said, that so far as he had an opportunity of considering the provisions of this Bill, he was disposed to regard it as a step in the right direction. He thought the right hon. Gentleman, in emancipating the Councils of Madras and Bombay from that state of thraldom in which they were placed by the Legislative Act of 1833, had done good service to India. But he considered that if the Government of that country was to be carried on with vigour the power must be concentrated in a Governor General, and to retain that power he must necessarily maintain a large control, especially in finance matters, over the other Presidencies. He thought the introduction of a non-official element into the Legislative Council of Calcutta was a desirable one. And if they admitted Englishmen who were unconnected with the Government into that Council, they ought on principles of justice to allow the Natives to have seats there also for the protection of their interests. But he could not concur with the hon. Gentleman (Mr. Layard) in his desire to see so large a portion of the Government consist of Natives, because he (Sir Edward Colebooke) thought it would be absurd to give them an equal share; the best security they could have for the Government of that country was to give a large and preponderating share in the Council to those who were connected with the Executive Government of the country. He entertained very great misgivings with regard to those parts of the Bill which concerned other provinces under the Government of Calcutta. He could not see why the Legislative Council of Calcutta should not make laws for the province of Bengal, or what possible advantage could arise from having one Legislative Council sitting in Calcutta to legislate generally for India, and another Legislative Council sitting in the same Presidency, of which Calcutta was the chief town, to legislate for Bengal. With regard to the North-West Provinces of India, he did not think the time had arrived when they ought to venture upon introducing a Legislative Council into that part of the country. If, however, that experiment were to be tried at all, it was one that ought to be carried out by an Act of the Imperial Legislature.

Colonel SYKES said, he saw no reason for supposing that the Natives would be mere ciphers if admitted to the Council. They held public meetings and made very intelligent speeches, and took much interest in public affairs, and it was plain from their petitions to the House that they did not overlook their own rights. He was surprised to find that there was no mention of Natives in the Bill, and if the hon. Member for Southwark (Mr. Layard) had not given notice of an Amendment for their introduction into the Councils, he (Colonel Sykes) would himself have done so. He thought that too many restrictions were placed on the operation of the Council; but on the whole he believed that the tendency of the Bill would be to do good. It was the restoration of the traditional system of the down-trodden East India Company, whose local Councils at the different presidencies before the Legislative Council of India passed rules and regulations for local purposes, but which for the future would be called acts instead of rules and regulations.

Mr. BUXTON hoped the right hon. Gentleman the Secretary of State for India would inform the House whether it was intended that the proceedings of the Councils would be published from day to day or not? Experience had shown the immense value to India of having the mind of the people of that country brought to bear upon legislation while the process was going on, instead of at a subsequent time when it had become the law of the land. He thought a little too much had been made of certain remarks made elsewhere upon the restrictions to which Members of the Council would be subjected in regard to finance matters; but it must be remembered that in this country they were under still greater restrictions. He congratulated the right hon. Gentleman the Secretary of State for India on having at last proposed the introduction of the Native element into the Legislative Councils. Those who had their attention turned to what was passing in India could not have failed to perceive how very intelligent the Native population was becoming, the interest taken by them in the affairs of their country, and he had heard Sir John Lawrence himself say that he and his brother had derived most important assistance from many of the Natives. He thought the policy of the right hon. Gentleman inaugurated a new era in the Government of India. That policy went on the basis of not treating the Natives as a conquered race, but as cooperators in the Government of that great empire.

Mr. KINNAIRD congratulated the right hon. Gentleman on the favourable manner with which the proposed changes had been received by the House, though the time allowed for their consideration had been very short. He felt convinced, however, that the right hon. Gentleman had not attempted to force the measure on unduly, but that he had seized the first opportunity of proposing it. He trusted that the Bill would not be hurried through Committee. The provision that the seat in the Council should be held for one year only was, he thought, inexpedient, also that the initiative power given to the Councils was a power they ought not to have. He would, however, reserve his objections to certain details of the measure for the Committee; and would merely say now that he thought the measure was one for which the right hon. Gentleman deserved the thanks of the country.

Mr. AYRTON said, this Bill reminded him of a man who made a machine with so many complicated wheels and cranks in it, that when he wanted to put it in motion it would not move at all. He (Mr. Ayrton) was one of those who held that, as long as we intended to keep India, the power of governing must remain, as it had hitherto been, solely and exclusively in the hands of British subjects going out from this country. He believed it not to be possible to keep India if we shared the powers of Government with the Natives. At the same time, however, that we retained all the power in our own hands, we were bound to exercise it with wisdom, with moderation, and with forbearance. Through all time all the nations of Asia had been subject to despotic power; but that power had been exercised with an intelligence and forbearance to which the English Governors of India had been strangers. However despotic the Native Princes of India might have been, they made no laws without consulting in their durbars such of their subjects as could give expression to the general feeling of the community. No such precautions had been adopted by the Governors-General of India in the presumptuous ignorance and arrogance with which they had exercised their authority. It was this disregard of the feelings of the people which led to the mutiny. Nothing could have been more scandalous than the annexation of Oude and the seizure of Nagpore, and nothing could have been more calamitous than the passing of laws by the Legislative Council which were contrary to the religious feeling of the people. The question now was whether the power of governing India should be shared with the Natives? He believed that that was an impracticable project. We must maintain our rule. All that was required was that we should give guarantees that our power should be exercised with due regard to the feelings of the people. The only guarantee required was that the British authority should not make laws without consulting the people of the country. That could not be done by taking two Natives from a commercial town and making them members of the Legislative Council. The constitution provided by this Bill was better adapted to the government of a joint stock company than of a great empire like India, which could not be governed by Councils "consisting of not less than six or more than twelve Members." He could understand a proposition that the Governor of a province should send for a certain number of influential Native chiefs who might be supposed to represent their people, and that, upon commercial questions, he should invite the principal Native merchants to give their opinions; but, having ascertained their views, the responsibility of carrying them out clearly rested on the British authorities in India; and to set up an irresponsible Council of six, elected by nobody and speaking merely their own opinions, who had undertaken no duties except to play at legislation, was merely shifting one of the most important duties belonging to the office of Governor, which ought to be discharged by him under the controlling authority of the Home Government. Passing from the local to the general Councils, he believed the right hon. Gentleman had embarrassed himself by this double system of legislation. Instead of having one legislative body at Bombay and another at Calcutta, the boundaries of whose authority it would be impossible accurately to define, a much wiser course would have been to give complete power of legislation to the local Councils, under the sanction and ratification of the Governor General, by which means complete uniformity would have been attained. He further thought it unnecessary that the Governor General should have a legislative Council, but the local Councils he regarded as of the highest political importance. We were about to create in the most gratuitous manner a signal danger to our rule by familiarizing the whole of the Native population with the idea that there was but a single Government in the country. We had obtained our dominion in India owing to the fact that it was composed, not of a single race capable of harmonious action, but of the different races having no feelings or sympathies in common. We had conquered India and built up our empire in detail; we had succeeded whether at Bombay, at Calcutta, or at Madras, because we were always acting with an intelligent mind against a divided people, or some subordinate Government which had separated itself from the original empire of India. Why should we not continue to avail ourselves of the same circumstances to maintain our rule in India? Why were we to teach the Natives what they had failed in discovering for themselves—that they would one day be a great nation? How could we hope that in time to come 40,000 or 50,000 Englishmen would maintain their rule over an united population of 200,000,000? Discontent, if it should break out in one province under a separate system of Government, would be speedily quelled by the assistance which could be rendered from other parts of India. But in the eyes of those intrusted with the conduct of Indian affairs the importance of maintaining separate Governments seemed altogether secondary to the details of the machinery by which that Government was to be carried out. They had given themselves up to the political pedantry of administration, forgetting those great principles of policy by which empires were raised and dynasties built up, and the neglect of which led with equal certainty to ruin and destruction. The time had come to use the language of warning, and he implored the right hon. Gentleman to strike out of his Bill many of its more complicated parts, so as to render it more consonant with the simplicity of Asiatic ideas. The object of the Bill ought to be simply to put an end to the Council which had done so much mischief, and to leave to the Executive Government authority to take such measures as it might deem necessary. Attempts at precise legislation upon minute details could only produce confusion, and would surely be injurious in its results.

Sir JAMES ELPHINSTONE trusted that what had fallen from the hon. Member for Perth (Mr. Kinnaird) on this Bill would not be accepted as the feeling of the House. At this period of the Session they found four Bills brought forward in one night, each of which ought to be the subject of considerable debate and deliberation. The right hon. Gentleman the Secretary for India might not have had time to proceed with them in the early part of the Session, but they ought to have been in the possession of the House, and the feelings of the Council for India in respect to these Bills ought, likewise, to have been made known. He believed it would have been sound policy on the part of the Government to regulate the finances of India so as to make the income balance the expenditure, before establishing a body which, if it should prove anything more than a debating society, would lead to a great deal of additional expense. A few years ago the expenditure for Ceylon was £70,000 or £80,000 a year; but the effect of a Legislative Council had been to raise that expenditure to £350,000 a year, though the island was not larger than some of the collectorates of India. He feared that a similar result would follow from this measure. He should have recommended Her Majesty's Government, instead of bringing in four Bills this year, to bring in a measure which would have reduced our army in India in a gradual and systematic manner, which would have provided a substitute for our Indian navy —which he believed was to be entirely done away with—and which would have made our Indian income something like balance our expenditure in that country. How the duties hitherto performed by the Indian navy were in future to be discharged was a matter which the House knew nothing about; but what appeared to be probable was that this country would be called on for men and ships to do duty along a seaboard of 2,500 or 3,000 miles.

Mr. DANBY SEYMOUR said, it was probably not from any want of will that the right hon. Gentleman had abstained from offering a measure for equalizing the revenue and expenditure, but simply from the impossibility of devising a measure that would have any such effect. Countries whose finances were prosperous were countries well governed, and, therefore, he thought that the best course which the Government could take with a view of equalizing the revenue and the expenditure in India was to bring in Bills such as these. All the measures introduced by the right hon. Gentleman were conducive to the good

Government of India, and if they were successful would bring about that fiscal improvement all were desirous to see. By giving the people a voice in their own affairs, by improving the administration of justice, and by admitting the Natives to a share in the Government of their country, we should lay the foundation for a more prosperous state of finance than had yet been seen in India. The hon. and learned Member for the Tower Hamlets thought that the Bill did not give the local Councils power enough. He would have legislation carried on by them subject only to the veto of the Governor General. But no single man could undertake to consider and give a veto on all the Bills passed by those Councils. The Governor General must have some one to assist him in that duty; and if so, was it not better that he should have the assistance which the Bill of the right hon. Gentleman proposed to give him, and surely it was better that this Council should be composed, not of irresponsible persons, but of persons whose conduct was open to public observation? There were certain measures which must be undertaken by the local Councils, and others which it would be very inconvenient to have treated in a different manner in different places. The hon. and learned Member would not wish to see conflicting Customs' regulations or different coinage in different parts of India. At the same time there were local matters which could be treated with advantage by local Councils. If we could have but one country, so much the better; and in Europe we were endeavouring to get rid of geographical differences. He desired to rule India, not by keeping the Natives in ignorance, which in these days of the free press and of public inquiry was impossible—but by elevating them and making them feel that it was their interest that our rule should continue. Our security in India was not that the Natives could not turn us out, but that they would not—no people on the face of the earth would drive out a good Government. He believed that the people cared very little for the Government that was over them if it only governed them well. He would encourage in the Natives the wish for our civilization, and he had long advocated their admission to posts higher than those which they had hitherto held; but he would not give them too great a voice at first. He would be for a more gradual proceeding. He approved the small representation, inadequate though it was, which was to be conferred upon the people of India. He rejoiced to see that non-official Europeans were also to form part of the Council. He should be glad to see the independent European population of India greatly increase, and it was no small benefit which the railways conferred upon the country that they really did lead to the extension of the class in question. He should give the main features of the Bill his cordial support.

Sir CHARLES WOOD expressed his gratification at the manner in which these Bills had been received from all sides of the House; and the only duty he had then to discharge was to answer the few questions which had been put to him. His hon. Friend the Member for Bradford (Mr. W. Forster) had asked him to what extent publicity of the debates of the Legislative Council was to be allowed. Now, that was one of those details which he (Sir Charles Wood) thought had better be left to the discretion of the Governor General. He agreed in the opinion of Lord Canning that publicity ought to be the general rule; but that mischief might arise from precipitate and inaccurate publicity. His hon. Friend the Member for Southwark (Mr. Layard) had said that he had himself derived the greatest advantage from his communications with the Natives. Upon that point Lord Canning was entirely of the same opinion as his hon. Friend; and it was on that very account that powers were taken in the Bill for the purpose of enabling the Governor General to avail himself of the services of Natives in reference to the various questions which he might have to consider. The limitation of the time for which a seat was to be held was to enable the Governor General to obtain the assistance of Native chiefs, who could hardly be expected to attend for two, much less for three years. It had been said in the course of that discussion that their great object ought to be to obliterate the distinctions between the conquerors and the conquered in India. Now, that was precisely the policy which he (Sir Charles Wood) wished to carry into effect. Those Bills distinctly provided that the Natives should be employed in the Legislative Councils as well as in the highest judicial courts, and in the most important executive offices. The same spirit ran through the whole of them—the spirit which animated that policy which Lord Canning had been most successfully carrying out, and which, he believed, with his hon. Friend, would afford the best security for the permanence of our rule, for it would make the highest class of Natives, as well as those of low degree, feel that their own good was bound up in the continuance of our sway. He believed that was the best mode of consolidating and perpetuating our dominion in that country. He might observe, however, that he had not thought it at all desirable to name the Natives expressly in the measure. He held the perfect equality before the law of all Her Majesty's subjects, without distinction of race, birth, or religion, and he would not do anything which could lead to the supposition that he doubted for a moment the existence of that principle. He had never admitted that there was any distinction between any of the subjects of the Queen, whatever might be their differences of birth, or race, or religion. That was the spirit of the Proclamation of Her Majesty on the occasion of Her assuming the direct government of India; and that was the principle which would continue to actuate him in all his administrative measures.

Bill read 2° and *committed* for *Thursday* next.

EAST INDIA (HIGH COURTS OF JUDICATURE) BILL.—SECOND READING.

Order for Second Reading read.

Sir CHARLES WOOD moved the second reading of the Bill.

Mr. HADFIELD asked, what inducements were intended to be held out to barristers and other members of the legal profession, English or Native, to practise in these courts?

Mr. VINCENT SCULLY concurred in thinking that three more important Bills than those now before the House were never introduced, and yet nobody appeared to take any interest in these debates except those who profited by the plunder of India. He knew his opinion was unpopular, but it was not necessarily the less true. If we wished to retain our power there we must not admit the Natives to the Government. Our going to India at all was a mistake and an injustice; we were in India contrary to the law of nature, which was inimical to the spread of our race in that country; though he did not say that, having possession of that empire, we should now surrender it; but it behoved us to be careful to whom we intrusted the reins there. Our rule in India was jealously watched by one of the greatest States in Europe. The Emperor of the French was steadily preparing his advances upon us; he had possession of Suez, the neck, as it was called, of British power in the East, and the noble Lord at the head of the Government, knowing the danger that threatened, steadfastly resisted the cutting of a canal through that isthmus. Napoleon III. had also possession of the best bay on that coast; he was master of a great portion of Africa; he now held Syria, and he had also an armed force in Cochin China. These were alarming facts, and ought to be borne in mind in legislating for India. The hon. Member for the Tower Hamlets (Mr. Ayrton) might spare himself his alarm as to the permissive power to admit Natives into the Indian Cabinet. That was a power no more likely to be exercised than the power under the Act of 1829 to admit Roman Catholics into the English Cabinet, which had never since been acted upon. In *The Times* newspaper the right hon. Baronet was represented to have said that the Bill had been submitted to the Judges of the Supreme Courts of Bengal, Madras, and Bombay, and was highly approved by them. He was also reported to have said that the Judges of the Mofussil, who were to be made co-ordinate with those of the Supreme Courts, had not the slightest legal training.

Mr. SPEAKER said, the hon. Member was out of order.

Mr. VINCENT SCULLY said, he was only quoting remarks which had been imputed to the right hon. Baronet by *The Times*.

Mr. SPEAKER said, that was just the irregularity to which he had called the hon. Member's attention.

Mr. VINCENT SCULLY said, he had not stated that the right hon. Baronet had used those words, because the right hon. Baronet had assured him that he had never done so.

Mr. SPEAKER: Order, order.

Mr. VINCENT SCULLY only referred to this matter as a very good proof of the utility of his intended Motion on the expediency of having authorized reports of their debates. It appeared from a letter entitled *Observations and Suggestions* on the proposed amalgamation of the courts, written by the Chief Justice of Bombay, Sir Matthew Sausse, one of the most eminent Judges in India, that "the administration of justice in the Mofussil was the most unpopular of British institutions in India"—that "the administration of justice in the Presidency towns was very popular, notwithstanding the expense of litigation in the Supreme Courts." The reason for this difference was that "the Judges in the latter were trained in the principles of law and evidence and in their practical application," while in the Mofussil or "country courts, owing to the deficiency of legal education, the Judges had no fixed principles of law and evidence to guide them, and decisions varied with the person or the feelings of the Judge." The letter said that the remedy proposed was "to unite the popular with the unpopular and the professionally inefficient with the efficient elements into one court," and the writer added his opinion that "the hopes and good intentions of the framers of this measure would be grievously disappointed." What would be thought if it were proposed to take a perfectly untrained gentleman from the Court of Quarter Sessions in this country and put him to sit beside the Judges of the land to decide upon the questions submitted to the superior courts? The main proposition of this Bill was to mix up the learned with unlearned gentlemen, for what object he could not understand, except to admit some of the Native element, with the expectation that the civil servants who were Judges of the Sudder Court would be able to give some information to the Judges of the Supreme Court. The principle of the Bill might be right, and he should not vote against the second reading, but he hoped that before the Bill reached another stage they would receive some information on which they could intelligently act.

Sir HARRY VERNEY protested against the statement of the hon. Member (Mr. Scully) that none took an interest in Indian questions but those who had profited by India or expected to profit by it. There were many Gentlemen in that House who honestly endeavoured to legislate for the benefit of India, though they never had any connection personally with it, or had derived any profit from it. He regretted that the House had not been furnished with all the information they ought to possess on this subject; they ought to have had before them the opinion of the Council of India. He had voted against the Members of the Indian Council being excluded from Parliament, as they could have given much information on Indian subjects; they were the men who knew more about India than any other class; and yet the House was debarred from an acquaintance with their opinions on this most important question. He hoped the House would insist on the production of the opinions of the Council. He protested against any information being concealed from them on such a subject.

Mr. DUNLOP was understood to support the Bill.

Mr. TORRENS said, there were some parts of the Bill which could, he thought, be advantageously amended. For instance the covenanted servants of ten years' standing were put upon a par with barristers of five years' standing. The hon. Member (Mr. Scully) had spoken of the learned and the unlearned sitting together in the same court, the learned being barristers of five years' standing, and the unlearned, members of the Covenanted Civil Service of not less than ten years' standing, who had served as Zillah Judges. But he should be inclined to regard the latter experienced persons as the learned, and the inexperienced barrister as the unlearned member of the Court. The standing of the Judges of the proposed Court well deserved the attention of the right hon. Gentleman.

It was hardly fair or considerate to the Covenanted Civil Service to legislate for the possible association of a barrister of five years standing, on the same bench with the covenanted civil servant of twenty-two or twenty-three years standing, which is, he (Mr. Torrens) believed, the shortest period of service at which a covenanted servant has ever attained the honour of a seat on the bench of the existing Sudder Court in Bengal.

Colonel SYKES held it to be impolitic to put barristers of five years' standing, who might be about thirty years of age, on the same bench with covenanted servants who might have had from twenty to thirty years' experience. A population of not less than 150,000,000 required the administration of justice according to the Mahommedan and Hindoo codes, and by Judges who understood their languages—qualifications not likely to be possessed by barristers of five years' standing. Hitherto the Mofussil courts had been presided over by Native Judges and had given the greatest satisfaction; but it seemed they were to be superseded by new local courts, presided over by an European barrister, at an expense to the Indian Government of five to ten times the cost of Native Judges. People spoke of these proposed small cause courts as being new to India; but the fact was they existed in India long before the county courts were known in England, and they had worked so satisfactorily, that the Native Judges had decided on an average, from ninety-seven to ninety-eight cases in every hundred civil suits, with comparatively few appeals from their decision.

SIR CHARLES WOOD said, in reply to the hon. Member for Sheffield (Mr. Hadfield), that who should practice before the Courts in India was settled by the Courts themselves. The Sudder Court decided who should practise before it, and under what regulations; so did the Supreme Court; and in like manner the High Court would decide for itself who should practise before it, whether barristers, advocates, or solicitors. In reply to what had fallen from the hon. Member for Cork (Mr. Scully) what he (Sir Charles Wood) had said was this — that a draft of a Bill had been sent out to the Judges of the Supreme Court of Bengal. Their suggestions had been received and considered, and the greater number of them had been adopted. With respect to the Judges at Madras, the expression of their opinion was in favour of amalgamation. He certainly had received some suggestions from one of the Judges of the Supreme Court at Bombay in a letter, which, no doubt, had been correctly cited by the hon. Member, but which not being a public document he (Sir Charles Wood) did not feel justified in laying it upon the table of the House. The hon. Gentleman then said that the Bill had been introduced without due information. But in the Report of the Committee of 1851-2, and the labours of the Law Commission, which reported the same year, abundant materials would be found. The hon. Baronet (Sir Harry Verney) had charged him (Sir Charles Wood) with acting in this matter without taking the opinion of the Indian Council. He thought the hon. Baronet ought to have ascertained whether the fact was so or not before he made this charge. The truth was that the matter had been repeatedly discussed in the Council; many of the suggestions thrown out had been adopted; but no recorded statement of opinion had been made either for or against the measure, as all were perfectly agreed as to what its main provisions should be. With regard to the objection taken by the hon. Member opposite (Mr. Torrens), he had only to say that in fixing a five years' standing at the English Bar and ten years' standing for a civil servant as a qualification for a Judge, he had merely repeated the existing qualification for Supreme Court and for the Sudder Courts according to the existing law. The hon. and gallant Member for Aberdeen (Colonel Sykes) had recommended him to bring in another additional Bill; but he (Sir Charles Wood) had been already blamed for introducing so many Indian measures so late in the Session, and he scarcely thought the House would approve of another.

Bill read 2°, and *committed* for *Thursday* next.

EAST INDIA (CIVIL SERVICE) BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second time."

MR. VANSITTART said, that although it appeared that the noble Lord the Member for King's Lynn (Lord Stanley) had made common cause with the right hon. Baronet the Secretary of State for India in reference to the passing of this Bill, which sapped and would ultimately destroy a service in which some of the best years of his life had been passed, he hoped the House would permit him to offer a few observations. The right hon. Baronet, in introducing his Bill, observed that its objects were to legalize certain appointments which for fifty years and more had been made in India, and to provide that appointments might be made in certain cases, notwithstanding the provisions of the existing law. With regard to the first of these allegations, it seemed to him that the legality of the appointments referred to had been fully recognized by successive Acts of Parliament passed in 1813, 1833, 1853, and 1858. It was rather remarkable that, though the technical illegality of the appointments had long been known, it was never deemed necessary to legalize them by a special Act of Parliament until it was thought expedient to use such an Act as a sort of shoeing-horn to draw on a clause in order to injure the Covenanted Civil Service. As regarded the necessity of throwing open that service, that had already been done by s. 32, 21 & 22 *Vict.* c. 106. By that Act, this exclusive Service, as it was the fashion to call it, had been thrown open to free and unreserved competition. So open was it in this respect that it was competent for any young man to present himself at the India House in January or July of any year, and, provided he were of the prescribed age, he could claim to be examined. In consesequence of that Act parents had been put to great expense in the education of their sons for that Service; because such was the severity of the examination that it not only exceeded that for any office or department of the Civil Service of this country, but instances had occurred and were occurring of the health of a young man being so seriously impaired by the cramming to which he had been subjected preparatory to his going before the Examination Commissioners that after a short sojourn in India he had been ordered home on medical certificate and compelled subsequently to relinquish the Service. Now, the system which prevailed in England was the very reverse of that. All nominations merely for permission to compete for the Civil Service appointments rested entirely with the Government of the day, and it would be regarded as a breach of Parliamentary decorum were a Member sitting on the Opposition side of the House to submit an application in behalf of a young man, however high his attainments might be, for the purpose of his being permitted to compete along with other candidates. In England, therefore, a parent was forced to submit to the humiliating necessity of interceding with an avowed supporter of the Government of the day for leave for his son to be examined to prove his fitness to enter the public service of his native land. This Bill actually sought for powers to do away with that test of merit, and to substitute in its place Parliamentary influence, nepotism, and jobbing of the very worst description, breaking faith at the same time with those who had gone out to India under the competitive system. Among other plausible reasons for this proceeding it was said that it was impossible to procure a sufficient number of civilians to fill the appointments consequent upon increase and additions made to our Indian territories. It was, no doubt, true that the list of candidates diminished every year, and that fact had been confirmed by the Sixth Report of the Civil Service Commissioners, which had been laid on the table within the last few days. But what was the reason? Why, the high standard of the examinations and the abstraction of the great prizes from that profession. Reduce that standard and preserve the prizes and they would get any number of young men. The standard might be advantageously reduced without impairing the competitive principle, and without substituting for that principle the wholesale jobbing which was sought to be established by this Bill. If we required proof of what would be the results of the working of this Bill, it was only necessary to refer to the correspondence of Lord Cornwallis, recently published, and to the last speech which Lord Macaulay made in that House. He was in a position to state that within a few weeks of his much-lamented death, Lord Macaulay mentioned to a Member of the Indian Council that he still retained his opinion, and expressed his willingness to record it in writing. Lord Macaulay said—

> "But my firm opinion is that the day on which the Civil Service of India ceases to be a close service will be the beginning of an age of jobbing—the most monstrous, the most extensive, and the most perilous system of abuse in the distribution of patronage that we have ever witnessed. Every Governor General would in such case carry out with him, or would soon be followed by, a crowd of relatives, nephews, first and second cousins, friends and sons of friends, and political hangers-on; while every steamer arriving from the Red Sea would carry to India some adventurer bearing with him letters from some powerful man in England, all pressing for employment. . . . . . Now, against evils like this there is but one security, and, I believe, but one, and that is, that the Civil Service be kept close."—[3 *Hansard*, cxxviii., 747-8.]

Lord Macaulay added—

> "That excellent and valuable man, Lord William Bentinck, in the month he left India, said, 'I have now been here seven years, and during that time I have had to dispose of immense lucrative patronage, and I have never but once in all that time been able to do a single service to a single old English friend.'"—*Ibid.*, 749.]

The Right Hon. Baronet, the Member for Herts (Sir Edward Bulwer Lytton), on the 15th June, 1855, in a speech which he delivered in this House, said—

> "Let me again impress upon this House that it is not enough to subject any candidate to a rigorous examination to decoy into the public service the rising energy and talent of the country, unless you set before them all the lawful prizes of the profession, and convince them that not one such prize shall be abstracted from their ambition, and bestowed upon gentlemen who, however able, are not connected with the service. If the public service is to be really a profession, it ought to be as monstrous to give one of the great prizes in that service to a man who has not been actively distinguished in it, as it would be to give a clever lawyer the Colnelcy of a Regiment, or a gallant officer the Mastership of the Rolls." [*Hansard*, cxxxviii., 2125.]

It should be borne in mind that by the Act the 21st and 22nd of Victoria, "all contracts, liabilities, and engagements upon the East India Company were made equally binding upon the Crown," and that as the present members of the Indian Civil Service, numbering something less than one thousand persons, went out to India with certain rights guaranteed to them, and as they on their part had, agreeably to the terms of their covenant, subscribed a large percentage of their salaries to the two funds, known as the Civil Service Fund and the Civil Service Annuity Fund, they were clearly entitled to compensation. Yet would it be believed that no compensation clauses whatever had been inserted in the Bill? With regard to compensation there were two ways in which it might be granted. It might be granted either by refunding to a member the amount which he had subscribed to these funds with indemnity for past services, or by guaranteeing the Widows and Orphans' Fund, and by granting increased pensions at the expiration of service. Unless some such provision were made the right hon. Baronet might depend upon it that he would experience the same difficulty and create the same feeling of discontent which he had raised among the military officers by his amalgamation measure of last Session. Although the right hon. Baronet hoped to reconcile them to that measure by offering them a miserable pittance of £50 a year and staff employment, he believed that there were some 1,000 or 600 officers totally and entirely without employment. Without following the right hon. Baronet into the whole of his introductory speech, he would merely observe that he laboured under a misapprehension in saying that "there is no such appointment as assistant collector;" on the contrary, there were just as many now as formerly, and on referring to the *East India Register* for 1860, he found that there were in the Bengal Presidency alone no less than 139 posted assistants, and 23 unposted. He could also produce heaps of witnesses to prove that it was to its very peculiar training—namely, that of commencing as assistant collector, and then gradually rising to be a deputy collector, joint magistrate, full collector, magistrate, and civil and sessions Judge—that the Covenanted Civil Service had gained its high reputation and efficiency. As the right hon. Baronet had quoted Mr. Mills's work on Representative Government he hoped the House would also permit him to quote a brief passage from that work. Mr. Mills said—

> "It is in no way unjust that public officers thus selected and trained should be exclusively eligible to offices which require specially Indian knowledge and experience. If any door to higher appointments, without passing through the lower, be opened even for occasional use, there will be such incessant knocking at it by persons of influence, that it will be impossible ever to keep it closed. The only excepted appointment should be the highest one of all. The Viceroy of British India should be a person selected from all Englishmen for his great capacity for government."

He took upon himself to say that this measure would be as unpopular with the Natives of India as with the Civil Service. The Natives already complained that a different class of men were sent out to India now—men who did not appear to possess that traditionary sympathy towards them which existed in the days of our Metcalfes, Thomasons, Colvins, Lawrences, Edmonstones, Plowdens, Prinseps, Yules, and a host of other bright Indian names. He was really very reluctant to detain the House longer than he could possibly help, but he could not sit down without alluding to the very extraordinary manner in which the right hon. Baronet had behaved in regard to this Bill. The right hon. Gentleman, in reply to a question which he put to him on the 8th of March last, assured him that the only Bills of importance which he proposed to bring in this Session were those relating to the Council and the amalgamation of the Courts, Nos. 1 and 2 Bills. He then withheld from the House the dissents or protests of his Council against this Bill. It appeared to him that the right hon. Baronet, with the active assistance of the noble Lord the Member for King's Lynn, was determined to destroy that glorious Service by whose untiring energies and cordial co-operation with their gallant military brethren that magnificent empire had been won and governed — a service which had existed pure and unsullied since the year 1765, when it was recast by its beloved chief, Lord Clive, and which had not only on several occasions received the thanks of the Sovereign and both Houses of Parliament, but had been spoken of in highly eulogistic language by successive Governor Generals, from the high-minded Lord Wellesley to the present Lord Canning.

Mr. LIDDELL said, he quite dissented from the opinion expressed by the hon. Member (Mr. Scully) that hon. Gentlemen in that House, unconnected with India, did not feel a deep interest in Indian subjects. For himself, and for others who were placed in the same circumstances with himself, he must express his fullest sympathy with the right hon. Baronet, the Secretary of State for India, when he expressed his deep sense of the responsibility attaching to the introduction of three of the most extensive measures Indian policy which it had ever been the lot of any man to bring down to the House in one night. An equal a mount of responsibility attached to every Member who gave a vote on those three great measures of reform. But their position was different, and in some respects less favourable for arriving at a correct judgment on these matters than that of the right hon. Baronet; for he was surrounded by a Council, composed of men of long Indian experience and of the highest ability, to guide him; while they were deprived by an inconsiderate vote of the presence in that House of Members of that Council. The propriety of the course which he (Mr. Liddell) had suggested when the Government of India was transferred to the Crown was now fully apparent, when they were called upon to decide on measures which changed the governing power of India and established new courts of judicature, and when they were called upon to make a sweeping change in the administrative body, without the benefit of the assistance which such a Council could afford. The point they had to consider was, whether those grave objections which had been urged against the measure were not more than counterbalanced by its advantages. These objections were mainly two: one of them was, that it aimed a blow at the system which had produced such a distinguished body of men as the civil servants of India. He fully admitted that, unless proper safeguards surrounded this measure, it might give a death-blow to the Civil Service of India. And when they spoke of that system, they must not forget that it had been described in this House as one which had grown up under favouritism, nepotism, and jobbery; but a more honourable set of men could not be found than the civil servants connected with the Government of India. That body had, nevertheless, grown up under the old system. A large change had been made in the service in 1853, which had been followed up in 1858, and they had not yet had time to judge whether the new system would produce men equally eminent. The next objection was that this was a breach of faith with the aspiring youth of this country who had been invited to compete for appointments in the Civil Service of India. But, on the other hand, it must be remembered that it was in their favour that the old exclusive body was destroyed, and it was but reasonable to expect that some regard would be paid by them to the claims of the State at the present junction. It was for the House, then, to say whether the objections to the change outweighed the advantages of it. A further objection had, indeed, been made—that by the proposed alteration an amount of patronage was placed in the hands of the Secretary of State, which would work to the detriment of the public service. But he did not think the Bill was fairly open to that objection, though he still thought the House ought to have distinctly placed before them the regulations that were proposed, in order that they might be assured that proper restrictions and safeguards, upon the authority of the Secretary of State, were inserted in this Bill. He would now come to the recommendations in favour of their acceptance of this Bill. They had first of all the stern fact before them of the great number of persons who *ex necessitate rei* had been appointed to fill the vacancies created by the extraordinary emergencies that had arisen. These persons in the Bengal presidency alone had been stated to amount to 800. He believed that at the present moment all these appointments were in strictness illegal, and the object of this Bill was to legalise them. He wished to call attention to a Minute of the Governor General, issued so lately as August of last year, in which he said, speaking of the low ebb to which the Civil Service of Bengal was reduced, that it admitted of no remedy but a great increase in the Civil Service, if the covenanted Service was to be maintained at all. He stated that in the Punjab and Oude, which, being non-regulation provinces, admitted of a larger infusion of the non-covenanted Service than elsewhere—there were in the Punjab, out of 116 assistant and deputy commissioners, 71 uncovenanted, where the proportions ought to have been about equal; that in Oude, out of 36 such appointments, 26 belonged to the uncovenanted Service, there were three vacant, and no covenanted servants were available to fill those vacancies. The remedy which the Governor General suggested was that these places should be thrown open for competition among the junior officers of the army; and Sir Bartle Frere, a high authority, concurred with him. He must remind the House that the great competitive system, from which so much was expected, had proved inadequate to supply the demand. In July last year 80 prizes were competed for, and only 150 persons came forward to compete; so that, for some reason or other, the prizes that were held out in India failed to induce a sufficient choice of qualified candidates to offer themselves. He thought, therefore, that the Government had no choice but to widen the field. He did not argue for a great enlargement: he hoped the powers given by this Bill would be used discreetly, wisely, and sparingly, but he could not but think that great advantages would be derived by the Indian Government from opening up the service, and that it would instil new vigour and honest rivalry into the system itself. What had they lately seen in India? They had sent out some of their ablest financiers to restore the embarrassed finances of India. Were they received with jealousy? Had not their mission been eminently successful? He hoped and believed the same results would follow from the infusion of new blood into other parts of the system of Government. And that led him to the last feature of the measure he wished to notice—the effect which this measure would produce on the Native mind in India. That was a feature so valuable that in his mind it outweighed every objection that might be urged against the Bill. They all knew the effect which the prospect of advancement in life had on all classes of society, from the boy in the village-school to the highest member of the Bar. What was it that cheered the learned Attorney General in the midst of his laborious life but the hope of his one day reaching the Woolsack. They knew that of late the Natives had devoted themselves to European studies; that they were eminently qualified by nature for literary attainments; and they were entering in large numbers upon the study of law and jurisprudence. By the Act of 1853 the hopes of the Natives of India had been raised by the declaration that henceforward no distinction would be made, either of race or religion, in the appointment to the highest posts under the Government. He was at a loss to see how this declaration could be reconciled with the maintenance of a strictly Covenanted Civil Service. Colonel Durand lately used these remarkable words "that the English had struck no root in India, that they existed only on the surface, and their only source of influence was through the military power." He was glad to find that that able man was himself to benefit by this change of the law, and that though not of the Covenanted Service he was to be appointed to fill the office of Foreign Secretary to the Council of India. He hoped he would inaugurate in his own person this beneficial change of system, which would elevate the Natives not only in office but in their own eyes, and would abolish the distinction of abject submission on the one hand and complete domination on the other between the governors and the governed. He believed that by opening posts of responsibility and emolument to Europeans and Natives alike, we should do more to fix our rule in India upon a firm and substantial basis than by any other measure our Government could devise.

Mr. LAYARD said, he thought his hon. Friend the Member for Windsor (Mr. Vansittart) had shown unnecessary alarm when he talked of this Bill sapping and destroying the Civil Service. If there were the least danger that this Bill would have any such effect, he should be the last man to give it his support. There were no greater names in our history than the names of Indian civil servants, nor had the Natives of India ever had better friends. The Service, now that it was an open competitive Service, was in a very different position to the time when it was a close Service. Such being the case, he did not object to the alterations proposed by this Bill, provided that certain words which he thought necessary were inserted in it—for, as it now stood, he feared it would be a most dangerous measure. He had much confidence in the present Secretary for India, and he hoped he should have as much in future Secretaries, but it did not go quite so far as that of his hon. Friend opposite. The opinion of the Council of India had on some occasions been dealt with somewhat lightly; on two important measures—the imposition of the income tax and the amalgamation of the armies—it was well known the almost unanimous opinion of the Council had been overruled. The manner in which the promise regarding the medical service of India had been disregarded was a proof, too, of the value which was to be attached to mere promises. What were the facts? It was announced that the Natives of India were entitled to all places which were open to Europeans, and the medical service was particularly mentioned. But, after several young Natives had come over to this country to educate themselves at a great expense, and had obtained distinction here, they were suddenly told that the Secretary of State had changed his mind, and that since the amalgamation of the armies they could not hope for army medical employment in India. After considerable pressure had been put on the Government they were told that if they liked they might go to Sierra Leone. This was an illustration of how little they could trust in promises, and how necessary it was they should have definite arrangements included in the Bill. Therefore, unless words to the effect that a residence of seven years in India, a knowledge of the Native languages, and, perhaps, in some cases, an examination should be necessary to entitle a man to employment in the Civil Service, he should be very much disposed to oppose the Bill; but, probably, the right hon. Gentleman would be inclined to give way to the almost unanimous opinion of the House. Two classes of persons would be affected by this Bill—the independent Europeans and the Natives. With regard to the European settlers, he should be glad to see men duly qualified holding the positions in India to which they were entitled from knowledge of the country and of the habits and languages of its inhabitants. Such appointments had already been made, and one of the objects of this Bill was to legalize them. The great danger of jobbery would arise from persons going out from this country with strong recommendations from persons in authority at home or with influence with persons in power in India. He had certainly heard lately of one or two remarkable cases in which there had been something very nearly approaching to jobbery. Another object of this Bill was to legalize appointments which might be made, and the want of some such measure was strongly illustrated by a case which had lately occurred. Captain Meadows Taylor had distinguished himself very much in an official capacity in the ceded districts of the Dekkan. By his exertions roads had been made and a variety of improvements had been carried out, and there was no man who was regarded by the Natives of that part of India with greater respect. When those districts were annexed to the Crown the Government refused to appoint him to the government of them because he was not a covenanted servant, and had appointed in his place Captain Cooper, who, as the head of the Enam Commission, was one of the most unpopular men in the West of India. As regarded this class of persons, he thought it essential that they should have that knowledge of the country which could only be acquired by long residence, and he thought seven years was a very reasonable period to require. As regarded the Natives, the question was more difficult. He thought they ought to open Civil Service appointments to Natives the same as to Europeans, but there was the difficulty of the expense of coming over to this country for the purpose of passing an examination. To remedy this he should propose one of two things—either that the Government should send young men over to the colleges here, and pay their expenses to the time of examination, or that there should be a Board of Examination in India, to which young Natives could apply who had prepared themselves to compete for Civil Service appointments. He quite agreed with the right hon. Gentleman in the principle on which the Bill was founded. If they gave the Natives an education equal to the education received by Europeans, it was absurd to withhold from them employment in the Civil Service such as their attainments entitled them to. A body of highly educated discontented young men would be more dangerous than an army of mutinous Sepoys; and, therefore, he was happy to see that by this Bill an opportunity would be given them of entering the Civil Service of the Government. But, at the same time, unless such terms as he had mentioned were introduced, he should be unwilling that the measure should pass, because it would open a door that would interfere seriously with good government in India, and might have the effect, as it had been said, of undermining and destroying the Civil Service.

LORD STANLEY said, there were two points on which the House seemed to have come, if not to an unanimous, at least to a very general conclusion—that the principle of the Bill was sound, but that the details would require careful supervision — and that some conditions or restrictions ought to be inserted in it which were not in it now. When the Bill was brought in he stated that he entirely approved the principle of it; but the more he had considered the matter and the more he had been able to gather the opinions of those interested in and informed on Indian affairs the more he was satisfied that those securities which were alluded to the other night, and which he believed it was the intention of his right hon. Friend to insert in Regulations to be framed by him, ought to be in the Bill itself, and not in Regulations, which might be revoked at any time. Of these two securities, by far the most important as a limitation to the admissions into the Civil Service was that a man should have resided seven years in India; and to that he was inclined to hope the right hon. Gentleman would not offer any objection. But as to the other requirement — the test of knowledge of the language—he could well understand the hesitation of the right hon. Gentleman, seeing that cases might occur of appointments in the Presidency towns where no knowledge of Native languages was required. If, however, they were to choose between two possible inconveniences, he thought the possibility of excluding one or two men otherwise qualified would be a far less evil than the absence of the security implied in the language tests. If it were limited, as he thought it might be, to the revenue and judicial branch, and if a proviso were inserted that in the remaining branches of the service the same test of knowledge should be required as was required now of civil servants before appointment to the same offices, he could not conceive that any possible inconvenience would arise. If that condition were insisted upon there would be four distinct checks on any abuse of patronage by the Governor General. There would be the check of residence, the test of language, the confirmation by the Secretary of State, and the further independent confirmation by the Council. He had heard doubts suggested whether the confirmation by the Secretary of State would be anything more than a mere form. It was said that the Secretary of State would be apt to consider that the Governor General was the best judge of the case, and would accordingly be guided by what was determined at Calcutta. In answer to that he would point out that within the last two years, since his right hon. Friend had been in office, two appointments had been made—made he did not doubt, from the best motives, by the Governor General—which his right hon. Friend considered had been improperly made; and, accordingly, those appointments were cancelled. If that were done by the Secretary of State at present, when he was not called upon specially to interfere in the matter, much more was it likely to be done when his confirmation was specially required, and, therefore, when he shared quite as much as the Governor General in the responsibility of the appointments. As to the interference of the Council being a check not to be relied on, he knew no men who were in a position to give a more independent verdict upon a question of the kind than the Members of the Council. They had nothing to hope and nothing to fear. They naturally liked to act in harmony with the Secretary of State; but he had seen enough of them to feel assured that, whatever respect they might feel either for the Governor General or the Secretary of State, if there was reasonable ground to suspect that undue favour had been shown in any appointment which they were called upon to sanction, they would do their duty in refusing their concurrence. As to the possibility of the Council being abolished, whatever might have been the opinion which prevailed two years ago, no one believed in that contingency now. In 1858, when the new arrangements were made, the popular theory was that Parliament would take such an interest in all Indian affairs that the Council would be unnecessary; but any one who had watched the empty state of the House when Indian discussions had taken place within the last two years or eighteen months, could form his own judgment on the soundness of that view. What, then, were the objections to the principle of the Bill? His hon. Friend the Member for Windsor (Mr. Vansittart) told his right hon. Friend the Secretary of State that this was an attempt to do away with the competitive system, and to return, by an indirect method, to the system of patronage. If he regarded it in that light, he was the last person to consent to have any share in it. But his hon. Friend contented himself with saying that such would be the effect, without attempting to prove it, except as far as to say that if the Bill passed the old abuse of Governors-General taking out their relations and friends and providing for them at the expense of the public would be revived. Now, inasmuch as no Governor General, as a general rule, remained in India seven years, it would be impossible for him to provide for his friends in that manner; for he did not think they would be content to follow him out, and to hold no office, or only a very subordinate office, for seven years, with the chance of some succeeding Governor General taking pity on their forlorn condition. He did not think that any man in his sound senses would be induced to go to India with such prospects.

Mr. VANSITTART: The noble Lord has misunderstood me. I quoted the last speech which the late Lord Macaulay made on India in that House, and I quoted it as Lord Macaulay's opinion.

Lord STANLEY said, the opinion might have been that of Lord Macaulay, but the application was his hon. Friend's. He (Lord Stanley) did not know under what circumstances Lord Macaulay's speech was delivered; but he had no doubt that if Lord Macaulay had had an opportunity of considering this Bill he would have come to a different conclusion as to its effect. No doubt, if the system which prevailed before 1773 had been continued they would be likely to have the old abuses connected with it. His hon. Friend said farther that he believed the Natives would object to the new system, and would look upon it as an interference with them, because men of an inferior class would be appointed to higher offices. Considering that one of the principal objects of the Bill was to admit the Natives to higher offices than they were now allowed to hold, he should be surprised to hear of any objection on their part. He would be a bold man who undertook to say what the opinion of the Natives of India was. No one could answer for the opinion of a community so vast and so heterogeneous. But he had seen numerous Indian newspapers, written in English, but to a great degree owned and influenced by Natives, and he had never seen one which did not, when the question was touched upon, express a strong sympathy with the desire to open the Civil Service to Natives. The question was raised what would be the effect of the Bill upon the Civil Service itself—whether it would not discourage young men of talent from offering themselves for examination? In considering how far the Bill would affect the Civil Service, they must endeavour to see what amount of competition there would be on the part of outsiders with the civil servants. He thought it had been abundantly shown that under the provisions of the Bill no man would be likely to go out from England with the view of obtaining one of the offices to which it referred. They must, therefore, look only to the case of persons actually resident in India; and all who had experience of Indian affairs would confirm him when he said that the number of Europeans in India qualified for high office in the Civil Service, and not belonging either to the civil or the military service, was comparatively inconsiderable. There would be a certain number of military officers admitted to offices from which they had hitherto been excluded. There would be a certain number of uncovenanted servants who would obtain the right, to which he thought they were justly entitled, of higher promotion. There would also be a few barristers. He did not think that the appointments of the latter class would be very frequent, because a successful barrister was doing better for himself by remaining in his profession than if he accepted high office, and a barrister who had failed in his profession was not likely to be selected. Besides these, there only remained the Natives, and he thought there would be no inclination on the part of Governors-General or Governors of Presidencies to be unduly precipitate in appointing Natives to high offices. He thought they were all agreed that although it was right Natives should be appointed, it was a great experiment, and one to be tried very cautiously. Looking to all these considerations, he greatly doubted whether the civil servants would be affected by this Bill in anything like the proportion of 5 per cent of all its appointments, and the civil servants themselves were very formidable competitors. They were selected when young men by the best of all possible methods—they were carefully trained for their special duties; when they arrived in India they were placed in responsible situations, though still young; their whole life was a preparation for holding higher offices:—and if, with those advantages in their favour, they were noable to hold their own against competitors not having those advantages, all he could say was that they must be very inferior in ability and energy to what he had always believed them to be. As to what would be gained it was not difficult to see. They would enlarge the field of selection for the public service; they would give a fair encouragement to the Natives and uncovenanted servants, which they had not had hitherto; they would apply a stimulus to the energies of the civil servants themselves; and what he regarded as most important of all, they would effectually remove that feeling of jealousy, not altogether reasonable, and which nevertheless existed very strongly on the part of unofficial Europeans, which at present was one of the greatest social evils in India. He believed that the Bill, limited as he proposed, would be a very valuable measure; but he was bound to say that he concurred in the opinion of those hon. Members who recommended that the authority to appoint to offices should be inserted in the Bill, and not left to regulations prepared by the Secretary of State, and that he was quite prepared to take the sense of the House upon the propsal to insert them.

MR. PULLER said, the most important clause in the Bill dealt with two matters—first, power was given to the Secretary of State to make Regulations under which exceptional appointments might be made; and, secondly, the right hon. Gentleman would have power to confirm the appointments made in India. He deemed it of far more importance that the Secretary of State should be guided by his Council when engaged in a legislative capacity in framing Regulations than when he was acting executively in confirming appointments; and he should, therefore, propose that the power of framing Regulations should only be exercised with the assent of the majority of the Council. As to the confirmation of those appointments in India, he should be willing to leave it to the judgment of the Secretary of State alone. The first clause appeared to him to contain the real gist and pith of the measure. He concurred entirely in the preamble of the Bill. As regards the Civil Service in India at present, he presumed that it was not denied that it had been intended in some measure that the Natives should be employed in it; but he thought it would be very inexpedient to break down the practical monopoly of a large class of valuable appointments which the Civil Service of India had long enjoyed unless upon some distinct principle, in order that they might know exactly what to expect in future. He contended that the first clause of the Bill went far beyond the preamble or the speech of the right hon. Gentleman who introduced the Bill, and did not sufficiently describe the covenanted and uncovenanted services of India. If any post had been held by a non-covenanted servant, the clause authorized the filling up of all similar appointments in the same way, so that it would be almost impossible to say what offices were not equally open to covenanted and non-covenanted servants. He maintained that either the Home Government or the Indian authorities ought to decide what appointments were to be open and what closed. A young man entering the Service had a right to know with certainty what his prospects were. Moreover, there was the interest of the public to be considered, that the Service should be as efficient as possible; and to secure this they should hold out the greatest possible inducements to young men of ability to go out to India.

SIR EDWARD COLEBROOKE said, he had no objection to the abstract principle of the Bill, but thought the House ought to be told what was the opinion of the most experienced civil servants in India on the subject. If such information were not furnished they should appoint a Committee to inquire into the matter. The real security for the good government of India was that persosn should devote themselves early to the Indian service, and should obtain their appointments under such a system of competition and examination as would prevent abuses. With regard to the appointments of Natives he was ready to give a *carte blanche* to the Government; but if the right hon. Gentleman wanted really to do the Natives a service he had better increase their present miserable rate of pay, which would probably be a greater boon than that now proposed to be conferred upon them. As to the other branches of the uncovenanted service, including persons of European origin, it was extremely hard to draw the line where uncovenanted service ended and the covenanted began. But the real difficulty arose in respect of those who were not in the public service at all. The Bill proposed to throw open the service of India in the broadest manner, and he thought that, unless restrictions were introduced, such a rule would lead to great abuses. The noble Lord (Lord Stanley) said that no person in his senses would go out to India for the chance of obtaining these appointmenst. He differed from the noble Lord, and believed that if this Bill passed without proper securities numbers of persons would go out to India for the purpose of seeking these appointments. With regard to the Indian Council, the right hon. Gentleman had done his utmost to destroy its independence. If the Members had a seat in the House of Commons their opinions would be known and their arguments heard; but, instead of this, they sat and worked in the dark; so that the Council was practically reduced to a nullity. He asked the House to consider whether, in adopting this Bill, they would not tend to destroy the efficiency of the system of competition which had been introduced into India? It would be a great discouragement to the civil servants of India if they were led to suppose that they would not obtain the great prizes of the service.

SIR MINTO FARQUHAR said, the right hon. Gentleman seemed to have proceeded on the exhaustive principle, by bringing forward on one evening four important measures connected with India. Surely it would have been better to divide them, and to have given a greater opportunity for considering and discussing them. It was not to be wondered, considering the professed objects of this Bill, that it should have excited great alarm among those belonging to the Indian Civil Service. He assumed, with reference to the seven years' residence in India, and the knowledge of languages, to be required of uncovenanted servants, that the right hon. Gentleman would not oppose such a provision; but, besides these restrictions, he thought it would be advisable that they should undergo the same tests to which the present covenanted servants were liable, and should enter into the same agreement against trading and against engaging in other pursuits. In the Bill to provide for the amalgamation of the armies the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), whose name would be gratefully remembered by the officers and men of the Indian army, had procured the repetition of that clause of the Act of 1858, transferring the Government of India to Her Majesty, which guaranteed the rights and privileges of those officers and men, and he hoped that a provision would be introduced into this measure giving to the members of the Civil Service a similar guarantee. The Small Courts Act had recently passed the Legislative Council of India. Would the appointments under that Act come under the first or under the second clause of this Bill? If, under Clause 1, the appointments would not come under the control of the Home Government, nor be subject to the conditions which the right hon. Gentleman agreed should be introduced into the Bill. He would remind the House that the present competitive system for appointments into the Indian Civil Service had only been established in 1858. Every inducement had since been held out to encourage young men to enter into this competition, and, it was only fair and just, not only to the older members of the Civil Service, but to those who had more recently entered it, after passing a severe competitive examination, that such regulations and restrictions should be introduced into this Bill as would give them a guarantee upon which they could rely.

MR. ADAM shared the regret which had been expressed by other hon. Members, that the right hon. Baronet had not produced all the papers which bore upon this question, and which might have enabled the House to come to a better decision. It was more necessary in the case of Indian subjects than of any others that the fullest information should be laid before the House. He thought it was a mistake to prevent the Members of the Councils from holding seats in that House, and he trusted that would be rectified. If this Bill was passed too rapidly through the House, Parliament would find that it was committing an act of short-sighted ingratitude to the Civil Service, which deserved well of the country, and of which the country was proud. The right hon. Gentleman had taken power to frame Regulations which were he said to prevent jobbery or other evils; but as the Bill now stood it contained no safeguards whatever. It contained no guarantee that the persons to be appointed under it would be required to have been resident a certain time in India, to understand the Native languages, or to submit to such an examination as was now undergone by the civil servants; nor was there any security for the funds to which those servants had so largely contributed. It broke faith with the "older civil servants who entered that service under the guarantee of an Act of Parliament, and with the younger who entered it by competition" upon conditions which, if this Bill passed, could not be fulfilled; and it broke faith with the public, who were interested in future competitions, and in the securing of the most efficient administrators for India. The present Secretary of State for India and Governor General might use their patronage fairly and honestly, but their successors might not act upon the same principle, and the House, as responsible for the Government of India, ought not to give the power conferred by this Bill without taking security for its proper exercise. He hoped the right hon. Gentleman would have these restrictions put into the Bill.

SIR JAMES ELPHINSTONE appealed to the House to adjourn the debate. They had now been employed discussing Indian questions since half past four o'clock. One Bill had passed through Committee and they had given a second reading to two; but this Bill appeared to him wholly inexplicable. There was no provision in the Bill to guard the Civil Service from injury, and he knew that a very large and influential portion of the Council had dissented from its provisions. He should now, therefore, move the adjournment of the debate, in order that the suggestions that had been made might be embodied in the Bill.

MR. DANBY SEYMOUR trusted the hon. and gallant Gentleman would allow the second reading of the Bill to pass, if only *pro formâ*, as he could in Committee bring forward any of the matters of detail which he wished to be introduced into the Bill. With regard to the principle of the Bill, he did not see that the Secretary of State could have acted otherwise than he had done, seeing that for years successive Secretaries of State had represented the difficulty they had in filling up places in the Civil Service. It could not be expected that the uncovenanted servants would be content with the subordinate position which they had hitherto held, and the House would hardly approve if the Secretary of State were to ask for a large sum of money to increase the covenanted service. Five or six years ago he suggested a somewhat similar arrangement, but the right hon. Gentleman saw objections to it. The difficulty that existed should be met in some way or other, and he could not see that this proposal would injure the Civil Service to the extent anticipated. It was thought that the new appointments would not be few, that the checks would be useless, and that the Secretary for India and the Governor General would join together to job the service; but that was not very likely. The civil servants considered that their vested rights were invaded, and so they were; but the answer to that was, that they could not fill all the places. And what was Government to do? Were they to leave the places unfilled? The system must be altered in some way, because many of the present appointments in India were illegal. There must be some solution of the difficulty, and the simplest and wisest way, and that by which least injury would be done to the Civil Service was that proposed by the right hon. Gentleman; and the noble Lord who had filled the same office before him was of the same opinion. No one supposed the noble Lord to wish to injure the Civil Service, and, in fact, no one who knew the Civil Service of India would wish to do away with it or to injure it. He himself believed that the Civil Service was as necessary to the Government of India as an aristocracy was to monarchy. They had a close service in Austria, in Russia, and in France, but none so close as the service in India, for in no other did the rule prevail that unless one entered as a boy he could not take place in the service. He could not but think that the Civil Service showed too great a distrust of the Government. Checks against abuse were proposed by the right hon. Gentleman. He had already agreed to the seven years' test of residence in India; he did not know whether he had agreed to the test of language, but that was a proper test, as a man of fair ability might learn two of the languages in a year; and the only other security that he believed necessary was to give every appointment publicity in the *London Gazette*, with the reasons for the appointments. They must show that they wished to keep good faith with the members of the Civil Service, who had always been distinguished for their ability, and to whom they owed so much in the good government of the empire; but, at the same time, the public necessities must be met, and he did not believe that a better way of meeting them could be shown than that proposed by the right hon. Gentleman.

MR. HENLEY did not exactly see why the debate should be adjourned, nor why any blame should be thrown upon the Government for having introduced four Bills upon Indian subjects on one evening, especially as the appearance of the House during the discussion showed that Indian subjects did not excite any paramount interest. It had been said that the covenanted servants showed unreasonable distrust of the Government; but it should be borne in mind that those servants could know nothing of the intentions of the Government but what they saw within the four corners of this Bill. They did not know what the right hon. Gentleman's Regulations were to be, nor how far any other Secretary of State for India might alter those Regulations; and men whose interests were at stake were apt to be alarmed when they saw such a state of things. What position would the Bill as it stood put these gentlemen in? Great interest had been taken in the mode of filling up appointments by means of examinations; and he honestly declared that when he read the Bill he wondered what its object was. He could not help thinking that the right hon. Gentleman, having got as much brains as was required by means of examination, wanted an element of a different kind to mix with it. No doubt some thought there were certain advantages in admitting persons to the service who had not gone through the ordinary preparation and examination; but it was desirable that the conditions on which they were to be allowed to enter should be defined. There was, however, no reason why the number of servants should not be increased by means of the crucible of examination. Was it, then, anything but reasonable that the civil servants should wish to know the terms upon which other persons would be allowed to enter the service?—and for his part he thought it but reasonable that the conditions should be inserted in the Bill. He himself had great faith in the present Secretary of State for India; but then he might die to-morrow, and no one knew whether his successor would be as scrupulous—and this was his reason why the conditions should be part of the measure. These Regulations, however, could not be introduced until the second reading was agreed to; but unless such conditions were introduced a fatal blow would be struck at the system of examinations, for no young man would go through the expensive and laborious course necessary for an examination, and run the risk of the climate also, if he was likely to have his prospects destroyed by any interruption which was not well guarded. He hoped, therefore, that the Regulations would be introduced into the Bill, and that ample time would be given for consideration.

MR. CRAWFORD joined in the request that the House would not consent to an adjournment. He thought that the people of India had an interest in this matter as well as the civil servants, and he was prepared to give his assent to the proposal of the right hon. Gentleman. There were certain appointments in the Presidencies which his experience told him it would be very desirable that the Government should have the opportunity of filling up by persons who brought to India recent experience from England. At the present moment the appointment of Collector of Customs' at Bombay was vacant, and he had reason to believe that the Government of Bombay were in great difficulty to find in the Civil Service, without detriment to other interests, a gentleman sufficiently well qualified to fill that appointment—["Oh, oh!"]—he meant with regard to his experience of the general trade and commerce of the country. Hon. Gentlemen who cried "Oh!" perhaps did not remember that a large interest would be affected by the manner in which this vacancy should be filled up, and the mercantile community at Bombay had a right to expect at the hands of the Government, that the Government at Bombay should select to this office a gentleman who would do justice to their interests, and he knew that the Government had great difficulty in finding in the Civil Service a gentleman properly qualified for the appointment. Again, there was the appointment of police magistrates, who had to administer the English law as between Europeans, to superintend the police, and to do a variety of other matters, and it was very desirable that any gentleman who might be appointed to fill that office should be possessed of qualifications which it could not be supposed a gentleman in the Civil Service would have. He thought the object which some hon. Gentlemen had in view would be obtained if the restrictions were made to apply to what was ordinarily termed judicial, magisterial, and financial functions of the Government. On the whole he gave his hearty assent to the measure of the right hon. Gentleman.

SIR JAMES FERGUSSON thought there was no wish in any quarter to appoint persons to lucrative offices over the heads of members of the Civil Service, thus depriving them of the rewards they were fairly entitled to; but if, as the hon. Member who spoke last had stated, there was any difficulty in selecting from the Civil Service gentlemen qualified to fill the offices he had named, something must be at fault in the education or examination of those who entered the service. If mercantile law and practice were necessary to the Indian service they should form part of the examinations. He regretted that the attention given to the affairs of India did not seem greater now than before its Government was transferred to the Crown. The present Bill did not contain more than the preamble of what was intended. The principle of this Bill was not contained within its limits. The important part of it was contained in those Regulations and restrictions which the House had not seen; and unless they were of a satisfactory nature the measure might be injurious in its effects, instead of promoting the prosperity of India. The right course for the right hon. Gentleman the Secretary of State for India to pursue was pointed out by the Act which abolished the East India Company's government. It would be an evasion of the intention of the House in passing that Act if the Secretary of State, instead of submitting those measures to his Council, referred them to special Committees of that Council, and then came down and said that hon. Members were not entitled to the opinions of those Committees because they were not the opinions of the Council. His hon. and gallant Friend the Member for Portsmouth he was sure had moved the adjournment, not with any desire to impede the business of the House, but in order that they might not proceed with the Bill without that information which was requisite to enable them to form a sound opinion on the subject.

Colonel SYKES said, that at a meeting held on the previous day a Court of Proprietors of the East India Company passed a Resolution, expressing its opposition to the clauses in the Bill, which gave the Secretary of State in Council unlimited discretion over certain appointments in the public service in India, to the detriment of the interests of that country, and in breach of good faith with those who had qualified for appointments under existing acts.

Mr. TORRENS hoped that the right hon. Baronet would accede to the suggestion of the noble Lord the Member for King's Lynn (Lord Stanley), and insert the safeguards to which that noble Lord had alluded; that he would accede to the suggestion of the hon. Member for Hertfordshire (Mr. Puller), and insert those offices which parties were to hold under the provisions of this Bill; and that he would produce the opinion of the Committee to whom he had referred the measure.

Sir CHARLES WOOD thought that he had consulted the convenience of hon. Members who were anxious to take part in the debate on these measures by putting all the Bills on the paper for one evening. By that course he had insured that they would come before the House on a particular occasion. He, therefore, hoped that the hon. Baronet, the Member for Portsmouth, would not press his Motion for an adjournment. The right hon. Gentleman, the Member for Oxfordshire, and the noble Lord, the Member for King's Lynn, concurred that there was no serious objection to the second reading; and hon. Gentlemen who had Amendments ought to be desirous that the Bill should get into Committee in order that they might propose them. He was not surprised that this Bill should excite great interest among those who felt an anxiety in respect of the Civil Service in India. He did not for a moment believe that the Civil servants would be injured by the Bill. It was only in exceptional cases that posts hitherto held exclusively by covenanted servants would be occupied by other persons when it was required by the public necessities of India. Some hon. Gentlemen had objected to it as a new principle, but, in fact, it had prevailed for the last sixty or seventy years. Officers of the army and gentlemen not in the service of Government had been introduced as necessity required;—and the fact was that at the present moment the covenanted Service could not furnish a sufficient number of men to do the duties which were absolutely necessary. Lord Canning, in a despatch which had been alluded to, proposed that a certain number of officers of the army should undergo a competitive examination in order to meet the exigencies of the public service, but this could not be done as it was contrary to law. At the present time covenanted servants of four years' standing are placed in magisterial and other positions which properly demanded twelve years' standing. It had been said that there was no necessity for this Bill; but the truth was, that men were wanted to fill places in Madras and in Bengal, and competitive examination could not supply them in time from the Covenanted Service. Lord Canning had stated that most strongly, as also had Mr. Ricketts, Mr. Hamilton, and Sir F. Halliday. An hon. Gentleman had expressed a wish that a list of places which might be held by uncovenanted persons should be inserted in the Bill; but that had been found, after full consideration, to be impossible, and the best plan was deemed to be to take exceptional powers to deal with exceptional cases, subject to certain checks to guard against abuse of those powers. A good deal of debate had turned upon the question whether the Regulations should be inserted in the Bill? He could not deny that that was a natural wish, and to the extent of a seven years' limit he should not object to insert it in the Bill. Some difficulties might arise in requiring a seven years' residence for persons placed in different positions at the Presidency towns. The Collector of Customs at Bombay had recently come home, and there was not a single available civil servant to fill his place, which was temporarily occupied by a deputy collector. Something had been said about languages, but he thought that a better qualification than a mere knowledge of languages would be the competency of the person selected to perform the duties of the office. He could not, of course, specify the exact words which he would propose to meet the wishes of hon. Gentlemen, but he was ready to introduce into the Bill the Regulations, as far as they were capable of being reduced, into a clear and definite form. He hoped that the hon. Baronet would be satisfied with that assurance, and would allow the Bill to be now read a second time, upon the understanding that, before the Committee, endeavours would be made to meet his wishes as far as possible.

Sir JAMES ELPHINSTONE said, he would withdraw his Amendment if the hon. Baronet would fix the Committee for that day fortnight.

Sir CHARLES WOOD said, he would name the Committee for that day week.

Sir JAMES ELPHINSTONE said, that in that case he should press the Amendment.

Motion made, and Question, "That the Debate be now adjourned," put, and *negatived.*

Original Question put, and *agreed to.*

Bill read 2°, and *committed* for *Monday* next.

House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Friday, June 14, 1861.

Minutes.] Public Bills.—1ª Church Building Acts Amendment; Excise and Stamps.
2ª Public Offices Extension.

IRON-PLATED SHIPS.

OBSERVATIONS.

The Earl of HARDWICKE:—I rise to mention to the noble Duke at the head of the Admiralty a circumstance which has lately come to my knowledge, and which I think is worthy of the noble Duke's attention, inasmuch as it has an important bearing on a considerable branch of our manufactures. In his speech the other evening the other noble Duke stated that a shot from an Armstrong gun had penetrated iron eight inches thick. I have no doubt that in making that statement the noble Duke stated what is the exact truth; but the result of that statement is very grave; because, unless we know what was the quality of the iron that was penetrated, it may lead foreigners into the belief—it may lead the Spaniards, Italians, and other foreigners who might otherwise come to us for iron-plated ships—into the belief that the English manufacturers are not able to forge plates of iron that will resist the effects of artillery. I have been informed that the iron so penetrated consisted of bars of iron welded together endwise; and being so welded together, of course the welding would be more tender than the iron, and would render them liable to be pierced. But I have also been informed that wrought-iron plates of 4½ inches thick have never yet been penetrated by the Armstrong gun. If this be so it is quite necessary that it should be stated, because a misunderstanding on this point is calculated to be highly injurious to the iron manufacturers of this country. I have no doubt the noble Duke is aware of the difference in the iron used in the construction of steam vessels, and of the results of that difference; inasmuch that if two steamers were constructed of the same scantling, the same size, the same dimensions in every respect, yet if one were constructed of rolled-plate iron she would look beautiful, though on the application of force she would crumple up like a piece of paper; while the other, constructed of boiler-plate iron and not looking better to the eye, would be so strong and compact that it would resist anything. Your Lordships will easily infer from this, that if you use the word iron, when you say that shots have penetrated certain plates, you publish to the world a fallacy if you lead them to the belief that there is no difference between one kind and another, while the distinction between them may be as great as that between any two things possibly can be. I mention this matter because I am informed by the manufacturers of iron that it is of great importance to them, and I hope the subject will undergo full discussion.

THE DUKE OF SOMERSET: My Lords, I am perfectly aware of the great difference there is between different qualities of iron. So impressed have I been with this matter that I communicated on the subject with my noble Friend the Secretary for War; and we appointed last summer—or rather earlier, about eighteen months ago—a Committee of scientific men and of military and naval officers, to examine into the question of the different qualities of iron, and to ascertain which was best fitted to resist artillery; and when I mention that on this Committee were Mr. Fairbairn, of Manchester, Dr. Percy, of the metallurgical department in the Museum of Practical Geology, together with several other eminent persons, it will be apparent to the House that we have not overlooked the importance of the question. We felt that it was one that demanded our most anxious care. Your Lordships will remember that last year a good deal was said about timber not being properly seasoned. There are, no doubt, great difficulties in ascertaining the proper seasoning of timber; but there are still greater difficulties in the way of men not accustomed to scientific research determining the different qualities of iron. With regard to the iron of which I spoke the other night, it is quite true that it was composed of bars of iron—but not welded together; they were fastened together by means of bolts and wedges. That iron the shot broke and passed through; and I believe we should have had the same result with many plates of iron. But I am ready to admit that it has not yet been ascertained whether plates of six inches thick are stronger than those bars of eight, or whether they can be penetrated. We had a particular reason for trying experiments with iron in other forms than plates—namely, that if they could in other respects be made available you can twist bars of iron into any form you wish, while in plate iron it is difficult without interfering with their strength to shape and mould them in conformity with the various curves of the ship. All these experiments have been tried with the greatest care by scientific persons, who have carefully noted down the results of the different experiments. They have also tried experiments with respect to the sloping sides of the ships; they have tried experiments both as to the power of guns on them, and as to the quality of the metal. Yesterday I went down to see those experiments, and to confer with the persons who conducted them; and I must say it appeared to me from inspecting these plates that sloping sides, or iron placed at angle, did not afford any additional advantage against flat-headed bolts. I mention these things, my Lords, because I have been called upon by the noble Earl; but I feel that if you go into these questions at all, you ought to go into them thoroughly. One might ask many questions on these matters—whether a cast or wrought iron projectile was most efficacious—whether flat or round-headed shot ought to be used; but if these questions are to be brought before the House, they ought to be brought in detail, with all the particulars or each experiment, and, I believe, such a course would, in many respects, be inconvenient. I can only assure the noble Earl that I have this subject constantly before me, and that I feel all its importance.

My Lords, I regret that I was not here yesterday, as I observe that the noble Earl made certain remarks on what I said on a former occasion in reference to the statements of Admiral Elliot. Now, my Lords, I have only to say that to my former opinions I fully adhere. I have nothing to retract. I stated that it would prove inconvenient if an officer of rank in our navy, having obtained permission to inspect the French dockyards and arsenals, were to come back to this country, and to take means of having a statement of what he saw there published in the House of Commons. Such a course would stimulate an excitement which it is not desirable should be raised. Your Lordships are aware that on both sides of the water there is a great deal of sensitiveness on this subject. For my own part I have always been careful not to stimulate it, but rather to assuage angry feelings; and I put it to the noble Earl if Admiral Elliot, when he had seen things which he thought required the notice and attention of the country, and thought that I or the Government made light of his information—if he then had written to the noble Earl opposite (the Earl of Derby) and told him what he had seen—what course does he think the Earl of Derby would have taken under such circumstances? I am confident that if he had received such a notice he would immediately have communicated with Lord Palmerston; but he would not have come down to this House and made it public. I can assure the House that the proceeding of Admiral Elliot will create for us considerable inconvenience. We are often applied to by officers from abroad for permission to visit our dockyards and arsenals; but if a few days afterwards we are to see all this published in the French Chambers, and attention called to the dangers with which our preparations menace France, we shall be obliged in our own defence to be more reserved for the future. I think I may appeal to the noble Earl himself on this subject, and ask him whether he thinks that the conduct of Admiral Elliot was either wise or prudent? If he does, we differ entirely on the subject. I will not go further into the question, but I may state that I shall be prepared in a few days to lay on the table the proposed Regulations for the entry of officers of the Naval Reserve, and I shall then make a short statement which will explain to the House the means which the Admiralty propose to take as to the establishment of this Reserve force.

The Earl of HARDWICKE: I quite agree with the noble Duke that it is inconvenient to discuss scientific questions in this House; but when the noble Duke states that iron eight inches thick was pierced with shot from an Armstrong gun—

The Duke of SOMERSET: I did not say it was an Armstrong gun.

The Earl of HARDWICKE: I do not care—if it was a projectile of any kind, I say the thing is impossible: and if a shot penetrated such a plate at all it must have been at some accidentally weak part. On the other subject to which the noble Duke has referred I am sorry it has been again brought under notice. I have only to say that I was most unwilling to take any part in the discussion beyond vindicating the character of a brother officer, whose character was assailed—and has been assailed again to-night—by the noble Duke in a peculiar manner, as if he had done something that was contrary to good manners or good taste. Now, it appears to me that Admiral Elliot's act was perfectly innocent and natural. He had only on his return to England told his friends what he had seen; and yet for so innocent and natural an act an officer of such rank and reputation as Admiral Elliot was visited with grave censure and reprobation by the head of the naval service. If a Member of Parliament chooses to raise this question in the House of Commons that is entirely his own affair. I can well understand that the noble Duke may think it unwise to do so. What I understand the noble Duke to be sensitive on is the point that his conduct has been impugned by a political adversary, who has shown the condition of the navy over which he presides as compared with that over which the Emperor of the French presides. I understand that what has raised the noble Duke's anger, and called down this reprobation on Admiral Elliot, is not the course which the Admiral took, but the course taken by a political adversary in the House of Commons—raising the whole question of the comparative state of the two navies. The question that vexes the noble Duke is the publication of the statement that the French will have twenty iron-plated ships of various sizes ready for sea by the end of the present year, while England will only have six or seven. It is, no doubt, a source of serious anxiety that our—adversary I will not call him—but that our rival should be so far ahead of us in this important respect. But whatever may be the annoyance to the noble Duke, that is the act of a political adversary, it is not the act of Admiral Elliot. The question was raised in this House by a noble Earl on the cross-benches (Earl Grey) who gave his opinion the other night on the state of the French navy. He stated that it was of no use our building any more line-of-battle ships. But what was elicited in the course of the debate? That two French ships, the *Solferino* and the *Magenta,* now building, were two-deckers and pierced for 100 guns each. We must, then, be prepared to meet the adversary; and in dealing with this question we must go a little faster. The speech of the noble Duke (the Duke of Somerset) the other night, was the speech of a statesman, but the speech of a slow statesman. The Government must be more energetic in their operations if they would compete with our neighbour, who will this year be able, it is said, to put to sea with twenty-six iron ships, and take command of the British Channel. The question he was convinced could not safely be blinked, for it was beyond question that iron-plated ships would beat wooden ships under any circumstances. Our ships must now be built of iron; and the best mode of building and fitting such ships was now the only question to be solved.

Lord BROUGHAM: Having been present, which my noble Friend (the Earl of Hardwicke) was not, when my noble Friend opposite (the Duke of Somerset) referred to Admiral Elliot, I can take upon me to state distinctly that there was no charge whatever made against him beyond a want of discretion, and that the gallant Admiral's honour was in no respect whatever impeached. But both to-night and on many other occasions I lament to observe a constant reference to warlike preparations. Of this, whatever grief we may feel, we can on no account complain; while other countries are employed in arming themselves, it is our right, nay, it our duty, to be prepared also, and no one can grudge, however much he may lament, the necessary expense. But I cannot avoid expressing the sorrow which all must feel that a season of profound peace should be one of general warlike preparation, and in no quarter any step taken to lessen the amount of preparation. It is peace with the expenses and burdens of a costly war. Heavy is the responsibility of those who entail this suffering on us all. Deeply are they answerable to their own people, to their neighbours, to the world, for the general necessity of a universal arming, of a peace unattended with its natural blessings. All our pursuits are carried on, our agriculture, our commerce, our manufactures; but we work in arms, and while we labour we are both paying heavily and toiling severely to defend ourselves. It reminds one, as I have once and again taken occasion to remark, of the condition of the peasants in the northern provinces of the Turkish empire, where there is nothing like police, and they go out to plough, and sow, and reap with their loaded muskets strung over their shoulders, to defend themselves in case of an attack while at work. Those who make it necessary for all countries to be armed in the midst of peace are deeply answerable to their subjects, and to the world, for this grievous and unprecedented state of things.

THE EARL OF SHREWSBURY said, that the noble Lord who had just spoken had stated that the noble Duke had made no imputation against Admiral Elliot. He was glad to see that the noble Duke assented to that, because he (the Earl of Shrewsbury) was authorized to say that Admiral Elliot, so far from wishing to do anything that might be unpleasant to the French Government felt deeply grateful for the courtesy, attention, and liberality with which he had been treated by the officers of the dockyard. Admiral Elliot did not make the visit in the capacity of Government agent, but as an officer on half-pay, who, travelling in that character, felt desirous of ascertaining the state of the ship-building in a neighbouring country. No one could blame any one for doing that. On the contrary, it was the gallant Admiral's duty to do so. But he went without any authority from the Admiralty; he went in a private capacity, and everything was shown him with the greatest freedom; and the gallant Admiral's opinion was that had French officers been treated in the same way in England, and on their return related to their friends all that they had seen, that we should not have complained. Admiral Elliot and his friends were, in like manner, firmly convinced that in what he had done the gallant officer had only done his duty. He (the Earl of Shrewsbury) regretted that the noble Duke should have called Admiral Elliot's proceeding "not a friendly act." He was sure that he spoke for the whole naval service when he stated that they were all most anxious to be on good terms with the officers of the French navy. He had himself received many courtesies from those gentlemen, and, therefore, should have been wanting in his duty if he did not state what he believed to be the prevalent feeling.

THE DUKE OF SOMERSET said, he had not thrown the slightest imputation on Admiral Elliot for looking, or for telling his friends what he had seen. But it was a very different thing when the Admiral authorized an ex-Lord of the Admiralty to make a statement in the House of Commons. The consequence of his conduct might be seen in the proceedings and discussions now going on in the French Chambers. With respect to what the noble Earl (the Earl of Hardwicke) had last said, he begged to remind that noble Earl that, in 1859, when he (the Duke of Somerset) came into office, the noble Earl insisted on our line-of-battle being brought up to eighty ships, and there was not a word then about iron vessels. In the same year a joint Committee of the Admiralty and of the Treasury was appointed by the late Government, and that Committee recommended an increase of our wooden line-of-battle ships. It was hardly fair of the noble Earl, having so lately given such advice, now to turn round, cry down wooden ships, and insist upon nothing but iron. And yet the noble Earl now accused the Admiralty of vacillation.

House adjourned at Six o'Clock, to Monday next, Eleven o'Clock.

HOUSE OF COMMONS,

Friday, June 14, 1861.

MINUTES.] PUBLIC BILLS.—1° Wills of Personalty by British Subjects; Public Works (Ireland) Advances and Repayments of Money; Municipal Corporations Act Amendment (No. 2).

3° East India Loan; Annoyance Jurors (Westminster).

THE "GREAT EASTERN."

QUESTION.

ADMIRAL DUNCOMBE said, he wished to ask the Secretary to the Admiralty, If the Admiralty have taken up the *Great Eastern* for the conveyance of troops to Canada; if so, at what rate per man; how many Soldiers are to embark in her; and if their being sent in that ship is with the concurrence of the Secretary of State for War?

LORD CLARENCE PAGET, in reply, said, the *Great Eastern* had been so far taken up that the Government had come to an arrangement with the owners of that vessel that she should carry out a certain number of troops to Quebec. They would consist of seven officers, 220 men, and 110 horses of the Royal Artillery; thirty-nine officers, 868 men, and six horses of the 30th Regiment; thirty-nine officers, 868 men, and six horses of the 60th Regiment; and draughts of various other regiments, consisting of four officers and 101 men, making altogether eighty-nine officers, 2,057 men, and 122 horses, with the usual proportion of women and children. The rates to be paid were for officers, £18; for men, £5 18*s.* 6*d.*; and for horses, £20 each; and for stores in excess of the regulated regimental baggage, £2 10*s.* per ton. These sums would include messing and every other requisite for the officers, victualling for the men, and forage for the horses. All the necessary fittings would be at the expense of the ship, the Government lending bedding for the voyage. He might also state that the arrangement was made with the full concurrence of the Secretary of State for War.

IRISH CONVICT PRISONS.

QUESTION.

MR. MAGUIRE said, he rose to ask the Chief Secretary for Ireland, Whether it is true that he does not intend to immediately fill up the vacancy in the Board of Directors of Convict Prisons in Ireland, caused by the appointment of Mr. John Lentaigne to be Inspector General of Prisons; and, if so, whether it is his opinion that this course can be adopted without injuriously affecting the working of the system of Convict treatment pursued in Ireland?

MR. CARDWELL said, it was quite true that the Irish Government had expressed their intention not to fill up at present the vacancy in question, and, looking to the diminished number of convicts in the prisons in that country, it was believed that they might make the retrenchment with a due regard to the efficient working of the system.

LICENCES BY BOROUGH JUSTICES.

QUESTION.

CAPTAIN JERVIS said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been drawn to a late decision of the Court of Queen's Bench, in which it was laid down that a Borough having a separate Commission of the Peace, but not having a separate Court of Quarter Sessions, does not come within the meaning of the words "town corporate," in the Act 9 *Geo.* IV. c. 61, s. 1, in consequence of which decision it appears that all licences which have been granted by the justices of boroughs included in that description are rendered invalid; and whether he will introduce a Clause into the Municipal Corporations Act Amendment Bill to rectify this defect in the existing Law?

SIR GEORGE LEWIS said, the practice with regard to licences in boroughs not having a Court of Quarter Sessions had been governed by a decision of the Common Pleas, according to which the Borough Magistrates had the power of granting those licences. In consequence of the recent decision in the Court of Queen's Bench the construction of the law must now be admitted to be different from what it had heretofore been assumed to be, and, as inconvenience might arise, a remedy was required. He should, therefore, ask the House to discharge the Order of the Municipal Corporations Act Amendment Bill, which stood on the paper for that night, and ask leave to bring in a Bill under the same title, in which a Clause would be inserted to meet the case.

POST OFFICE SAVINGS BANKS.

QUESTION.

SIR ANDREW AGNEW said, he would

beg to ask Mr. Chancellor of the Exchequer, Whether it is the intention of Her Majesty's Government to extend the accommodation contemplated under the Post Office Savings Banks Act to all parts of the United Kingdom; and whether the Postmaster General is prepared to receive applications from private parties interested in the establishment of Savings Banks in particular localities?

THE CHANCELLOR OF THE EXCHEQUER said, if by all parts of the United Kingdom was meant England, Scotland, and Ireland, undoubtedly the operation of the Act would extend to them. With regard to the particular districts, the principal object of the Postmaster General would be to grant Savings Bank accommodation in the first instance, and by preference, to those districts where it was wanting, where it was desired, and where it did not exist at present in a sufficiently convenient form. The Postmaster General would, first of all, get a sufficient number of districts to make a trial, and he would then be guided by the operation of the experiment in the selected places as to his further movements, but he would look particularly to the agricultural districts, and to the most populous and wealthy of them, as the places to which his attention ought to be directed. As to applications from private parties, it would be very convenient that gentlemen who took an interest in different neighbourhoods in the condition of the labouring class should make known their views and wishes to the Postmaster General, because the general wish entertained in any locality would be a material element with him in coming to a decision as to the particular places, in the first instance, to which he would contemplate extending the Act.

DOVER HARBOUR.—QUESTION.

MR. DEEDES said, he wished to ask the President of the Board of Trade, If it is his intention, in the Harbours Bill, to adhere to the constitution of the Board now governing Dover Harbour, as provided for in the Bill?

MR. MILNER GIBSON said, that the hon. Member for Dover (Mr. Nicol) having on the part of his constituents, given notice of certain Amendments, with a view of changing the constitution of the Board which managed Dover Harbour, it was therefore the duty of the Board of Trade to consider the Amendments. They were doing so at present. The Harbours Bill was to be proceeded with on Tuesday morning next, and until then it would be the duty of the Board of Trade to give to the proposed Amendments their best consideration.

HIGHWAYS BILL.—OBSERVATIONS.

MR. HENLEY said, that the Highways Bill had been fixed for the morning sitting on Friday. When the Bill passed the second reading at an early hour in the morning, it was understood that an opportunity should be given of discussing it in Committee. He (Mr. Henley) presumed that the right hon. Gentleman did not recal this circumstance when he fixed the Committee for a morning sitting, and he hoped the right hon. Gentleman would give them an opportunity of having that discussion in an evening sitting.

SIR GEORGE LEWIS said: If the right hon. Gentleman altogether objected to a morning sitting he would not insist upon it. It appeared from the communications made to him that that time would be convenient for many hon. Members. If it did not come on on Friday next it should be postponed to some uncertain future day, but he was entirely in the hands of the House, and would take what course was thought proper. If it was thought that a morning sitting would not be the best for the Highways Bill, in that case he would fix the London Corporation Coal Duties Bill for Friday morning.

MR. HENLEY said, he was very much obliged to the right hon. Baronet.

MUNICIPAL CORPORATIONS ACT AMENDMENT BILL.

QUESTION.

MR. NEWDEGATE said, he wished to know, On what day this Bill will be proceeded with, and whether the right hon. Gentleman the Secretary for the Home Department will have any objection to such an alteration in the Clause which provided that the Mayor of a Borough should be the Chairman of the Bench of Magistrates as would confine the operation of the Clause to the case in which a Mayor had had some previous experience as a Magistrate?

SIR GEORGE LEWIS said, that the Bill would be committed *pro formâ* that evening. It would afterwards be printed with Amendments, and in a subsequent stage it would be competent to the hon.

Gentleman to propose such an Amendment as that which he had just suggested.

THE CASE OF THE "JACKALL."

In reply to Sir Andrew Agnew,

Lord CLARENCE PAGET stated that the *Jackall* was not a revenue cutter but a vessel of war, which was sent down in 1859 with instructions to put herself under the direction of the Board of Fisheries on the west coast of Scotland.

THE GALWAY CONTRACT.

QUESTION.

Colonel FRENCH said, he would beg to ask Mr. Chancellor of the Exchequer, Whether the Cabinet, before sanctioning the withdrawal of the subsidy from the Royal Atlantic Mail Company by the Postmaster General, had taken the opinion of the Law Officers of the Crown that that noble Lord had any such power vested in him?

The CHANCELLOR of the EXCHEQUER said, that not having been made aware of the precise terms of the question which the hon. and gallant Gentleman now put to him, he had not had an opportunity of making any inquiry of the Postmaster General on the subject. At the same time he did not think he was likely to be in error when he stated that he was not aware that any reference was necessary in this matter to the Law Officers of the Crown. He did not believe, so far as his knowledge of public business went, that it was usual to refer to the Law Officers of the Crown in matters of contract, either with regard to the performance or as to the cancelling of contracts, unless they appeared to the Executive Government to be attended with some doubt, or to turn upon some point of law with respect to which they were not competent to form an opinion. In the present case he believed his noble Friend the Postmaster General did not consider there was any doubt on the question, and that had been the cause if he did not think it necessary to call in the assistance of a legal adviser.

SUPPLY.

Order for Committee read.

Moved, That the House do now go into Committee of Supply.

APPROPRIATION OF SEATS BILL.—GLOUCESTER AND WAKEFIELD.

QUESTION.

Mr. T. DUNCOMBE said, he wished to ask the Secretary of State for the Home Department, Whether is the intention of Government to proceed with the Appropriation of Seats Bill on Monday, and if so, whether they intend to propose any new Borough Constituencies, or mean to leave it to the House to fill up the vacuum that is created in the Bill by the rejection of the Metropolitan Constituencies? There was also another question which he wished to ask with reference to Gloucester or Wakefield. He some time ago called the attention of the House to its asserting a power which he maintained it did not possess, and stated that, unless they were prepared to bring in a Bill to punish a corrupt constituency or alter its bounds, they had no right to suspend the writ. He wished to know if the right hon. Gentleman were prepared to bring in a Bill for any of those purposes?

Sir GEORGE LEWIS said, with regard to the last question, that it was not the intention of Government to propose any measure with respect to the boroughs to which the hon. Member had referred. The course which had been taken had been taken deliberately, and so far as the Government were concerned, they intended to withhold the issue of the writ during the present Parliament. With respect to the other question, he had already stated that Government would proceed with the Bill for the appropriation of the four seats on Monday; and the course which they intended to take upon it would be best stated when the House went into Committee on the Bill.

Mr. T. DUNCOMBE:—Then I give notice that I shall move on Monday that within seven days Mr. Speaker make out new writs for the City of Gloucester and the Borough of Wakefield.

INDIA—COURTS IN THE MOFUSSIL.

QUESTION.

Mr. W. EWART said, he would beg to ask the Secretary of State for India, Whether Courts for the adjudication of small causes will be created in the Mofussil in India; and whether the Judges appointed in them will be Barristers or men of legal training, with a sufficient knowledge of the language of the country within their jurisdiction?

Sir CHARLES WOOD said, that the Government of India had determined on the establishment of small courts in the Mofussil, and were preparing to carry that resolution into effect. Barristers would be appointed, in some cases to these Courts, and he had stated his opinion to the Government of India, that it was indispensable that they should possess a knowledge of the language of the district in which they were to be stationed.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

THE GALWAY POSTAL CONTRACT.

SELECT COMMITTEE MOVED FOR.

MR. GREGORY: Before I proceed to the consideration of the Motion of which I have given notice, I wish to assure the House that it is not my intention to make any allusion to those personal matters which have hitherto formed the staple of the discussions on the subject of the Galway contract. I will only remark that it is the custom in private life for any gentleman who has the misfortune to hurt the feelings of another, either through incorrect information or inadvertency, to take the earliest opportunity, after he has found his mistake, of explaining how the error arose, and of expressing regret that it should ever have occurred. I will venture to say that in 99 cases out of 100 such an explanation is accepted in the same candid and friendly spirit in which it is conveyed. I am bound to say that the noble Viscount at the head of the Government has evinced that frank and fair spirit which always characterizes his dealings with this House. As soon as the noble Viscount found out that the Irish Members had neither made a threat nor sought an interview in regard to the Galway contract he stated to the House that he was perfectly satisfied with the explanation which had been given, and that he entirely believed it. I only wish that at the same time the noble Viscount had been authorized on the part of his noble colleague the Foreign Secretary to make a similar avowal. In that case, the noble Lord the Foreign Secretary would have had the good fortune to have made a very interesting harangue and of having derived very considerable advantage from it, and had he stated that he was mistaken in the insinuations which he threw out, he would never have heard a word more on the subject, at least, from myself. I will make only one other remark on this subject, and it is this—that it ought to be borne in mind that insinuations against any body of Members are not confined to those Members, but affect the *status* and character of the House at large, both in the eyes of the country and of foreign nations. I have been given to understand that the Committee for which I am about to move is to be conceded, but till we obtain that assurance from an official source on the Treasury bench I trust that hon. Gentlemen who are disposed to support the Motion will not leave the House. The terms of my Motion are for a Committee to inquire into the circumstances which led to the termination by the Postmaster General of the postal contract with the Royal Atlantic Steam Navigation Company. As the Cabinet have adopted what I may call the *solidarité* of responsibility with the Postmaster General, it may naturally be held that the Committee is going to inquire into an act of the Government; and I cannot help recalling that on a former occasion, when a Committee of this House was moved for to inquire into the conduct of the war, the Motion was resisted on the ground that it involved an inquiry into acts of the Government, and led to the secession of a large and most influential portion of the Cabinet. I hope, however, that hon. Members who are disposed to support my Motion will remain in the House until we receive a confirmation of the report as to the intention of the Government on the present occasion.

It has always been a stereotyped accusation against the Irish Members, that, instead of devoting their energies and abilities to the practical improvement of their country, they have ever been disposed to be led away by different projects of agitation, of which the result must be sterile, and the object impossible. But in the year 1858 that imputation could not be directed against us. At that time a project was set on foot which it was fondly believed would be the precursor of many other enterprises of a similar kind, the project for the establishment of transatlantic communication from an Irish port with America. The national importance which was attached to that undertaking was proved by the number of subscriptions, the extent of country from which they came, and the character of the persons from whom they were received. In every part of Ireland the small farmer, the shopkeeper, and the man who had retired from business contributed to the undertaking, and Mr. Laing himself said, in a speech delivered on the 9th of August, 1860, that upon the contract being entered into, 1,750

Irishmen were induced, under the circumstances, to become shareholders and subscribe money to the undertaking, believing it to be for the interest of the country. At no time, not even during the memorable tour of the Marquess of Normanby in the year 1835, was there more satisfaction evinced through Ireland than there was when the subsidy was granted by the Earl of Derby's Government. All Irishmen felt that at last they had got something more than words. They hoped that a new policy was about to be inaugurated, and that this was one of those measures of improvement which had been promised by William IV., in answer to a joint address of both Houses of Parliament, moved as an Amendment to Mr. O'Connell's Motion for the repeal of the Union. They knew that they had hitherto contributed their share to the general taxation, and thought that it was fair that some of it should return to them. Nor was that only the opinion of Ireland, it was equally the opinion of the people of England, because memorials in favour of this communication were addressed to the Treasury emanating from chambers of commerce and signed by some of the most eminent commercial firms in the country. There were, however, two quarters from which opposition arose—Liverpool and Glasgow. In the year 1851 similar uneasiness prevailed, but the Report of Earl Granville and a speech made by him in the same year reassured the people of Liverpool, and their apprehensions were for a time laid at rest. Earl Granville, in a speech which he made on board the *Atlantic* in the autumn of 1851, confirmed the feeling which then prevailed, and seems now very generally to prevail in Liverpool, that the monopoly of the communication with America is a prescriptive right of that port, and one which ought not to be disturbed. That theory the people of Liverpool have very lustily maintained, because, when in 1858 this project was revived, the whole tone of the articles in the Liverpool newspapers was very much to the effect that Ireland ought not to be led away by these visionary and foolish schemes, but ought to content herself with growing potatoes and other agricultural produce, and to leave the conveyance of goods and emigrants to America to the Liverpool merchants. When, however, this company was fairly started in 1858; when they saw that its vessels were carrying as many passengers as they could possibly accommodate; when the crimps and lodging-house-keepers of the town of Liverpool found that these unfortunate emigrants were escaping from their grasp; when people found that goods were coming in, not only from Belfast but from other parts of Ireland to a greater extent than these vessels could carry; when they saw that the service was continued throughout that tremendous winter, the press of Liverpool ceased their satirical remarks upon the names of these vessels, upon their ill-described tonnage, and upon the discrepancies between the time tables and the performances of the ships, and one general cry arose as to the atrocity of the Government sanctioning two subsidies. From Scotland, too, came the same cry, led off by the hon. Gentlemen the Members for Greenock and Montrose. It was felt that a good thing had been going, and that Ireland had got hold of it, and that thereby a great indignity and injustice had been inflicted upon Liverpool and the Scotch companies. In the year 1859, immediately after the granting of the subsidy, Parliament was dissolved, and shortly after it reassembled, in consequence of complaints which were made as to the nature of contracts, and with reference to this particular one, a Committee of Inquiry was appointed, and certain proceedings came to light inculpating certain persons; but neither the noblemen and gentlemen who conducted this undertaking, nor the Government which gave the subsidy, were inculpated by the evidence which was given before that Committee. Before that Committee the late Government was put upon its trial. It was accused of political jobbery, and assertions were made that this contract had been given for the sole purpose of influencing Irish Members and constituencies. I am not going to enter into that question. My noble Friend (Lord Naas) so entirely disposed of it the other day, by showing that the contract was considered, entertained, and determined upon long before there was any question of a dissolution, that I need not say another word on the subject. I believe most firmly that the Earl of Derby's Government were influenced by considerations which did them the greatest credit. I believe that instead of intending to govern Ireland by a mere system of conciliating this man and catching that one and putting him into a place, they intended to inaugurate a general policy which should have for its object the benefit not of individuals but of the whole country. They felt, as we feel, that while we contribute to the general finances of the country we have hitherto obtained very little in return. They felt that large sums of money are annually lavished, and not merely lavished but thrown away, upon English purposes, such as Alderney; that while large grants have been recommended for making harbours of refuge in England hardly anything has been recommended for Ireland, and that while contracts to the amount of £900,000 are sanctioned for English ports, no contract for an Irish port has been approved. The best witness I can produce upon this part of the question is Mr. Laing, who, with regard to the justice of the claim put forward on the part of Ireland, says,

> "If there were to be any subsidies for the conveyance of mails across the Atlantic at all, Ireland, which contributed one third of the whole postage, and which from its geographical position afforded the nearest and therefore the speediest point of departure, might justly demand to have its claims considered.—[3 *Hansard*, clx. 999.]

This sentence is, in my opinion, quite sufficient to exculpate the Government of the Earl of Derby. In the Report of the Commission of Earl Granville, to which I have already referred, several statements are made to show the disadvantage of having an Irish port of departure, which experience has proved to be directly contrary to the facts. It is stated that the gain of time would be inconsiderable—only ten hours upon a passage of eleven days. It was shown before the Committee on Contracts last year that the gain to passengers would be actually twenty-four hours; that, as regards letters, upon the whole communication there would be a saving of several days, and in telegraphic communication a saving of nearly one-half of the time now occupied. It was said that merchandise would not go from an Irish port. That is not the fact, because more merchandise has been sent from Belfast alone than could at one time be carried by the Galway steamers. It was also alleged that passengers would find the frequent transfer objectionable. When speaking of passengers let me refer to the Report of Lord Canning in 1853, in which contracts were considered with reference to the convenience of passengers, as well as of the postal service. It was said that the frequent transfer would be inconvenient; but it was proved to the Committee that the Galway steamers carried in twelve months as many passengers as Cunard's did in fifty. In order that the House may have some notion of the passenger traffic by the Galway line, I may state that from January, 1859, to May, 1861, 13,254 passengers were conveyed out, and 3,955 brought home by the vessels of that company. Those passengers, by going from their own country, not only escaped the trouble and inconvenience of the transfer at Liverpool, but they avoided the robbery and the spoliation to which persons are constantly exposed at that port. I am also able to declare that the Irish girls going to America by these steamers escaped the debauchery and contamination to which they would have been exposed in emigrant ships, which I regret to say have been instrumental in stocking the streets of New York with unfortunate girls seduced, degraded, and then abandoned. I have insisted on all these points to show that this is something more than a mere squabble between a company and the Post Office, and because I wish to impress upon the House of Commons that this is a national enterprise — an undertaking in which every one of us is concerned. It is not merely because I am Member for the county Galway that I advocate this line, but because every Irishman, high and low, has his sympathies enlisted in this project. We feel that we have a right to a postal service from an Irish terminus, and we are determined to use every exertion and to strain every nerve to get it. If we have given anything in the shape of a political complexion to this case let me remind the House that we have been forced into doing so, because I insist that from the commencement of the contract until now the present Government—which I have usually supported—has shown a strong animus and a feeling against it. I do not refer merely to the dealings of the Postmaster General with this company, but I refer to the speech of Earl Granville, in the House of Lords, and to that of the late Mr. Wilson in the House of Commons on the vote of Want of Confidence.

I turn now to the immediate subject of this Motion, the contract itself, and, as dates are of the very greatest importance, I shall ask the House of Commons to do me the favour of bearing in mind the dates of the statement I am about to make. On the 22nd of October, 1858, a contract was entered into between the colony of Newfoundland on the one side, and the Atlantic Company on the other, for a monthly postal service between Galway and St. John's, Newfoundland, and the United States of America, under an annual subsidy of £13,000, of which £8,500 was to be paid by the Colonial Government of Newfoundland, and £4,500 by the Imperial Government. On the 21st of April, 1859, a contract was entered into between Her Majesty's then Government and the Atlantic Company for a postal service to be performed between Galway and Boston and New York, and providing also for the delivery of telegraphic messages between Galway and St. John's. The service was to be performed fortnightly, and the payment was to be at the rate of £1,500 a voyage, or £3,000 for the double voyage out and home. The ships were to be of certain specified conditions—of not less than 2,000 tons burden, and with engines of 450 horse-power. These may appear little matters, but it will be seen by-and-by upon points which I have to clear up that they are not without importance. In 1859 four ships were contracted for, at a cost amounting in round figures to £400,000. Their plans, lines, and specifications were submitted for the approval of the Admiralty, and the specifications so laid down were approved. I lay stress on this point because hereafter it will be seen that these ships did not exactly answer the specifications; and, perhaps, if those specifications had been more accurate the ships would have performed the service better. I now approach what I cannot help regarding as the cardinal point of the whole transaction. The Galway Company, finding that they had a service of a very arduous character to perform, and a fleet of first-class steamers to provide, naturally required sufficient time to set these afloat and to fit them properly for performing the service. They accordingly demanded and obtained a period of fourteen months from the date the contract was entered into before they should commence to carry it out; and the month of June, 1860, was fixed upon as the time for beginning to perform the service. But after the contract had been signed by the Government of the Earl of Derby circumstances arose which greatly complicated the affairs of the company. In the first place, Parliament was dissolved; and shortly after it reassembled a new Government was inaugurated, and from the moment it was installed a series of what I may call attacks were directed against the company. Questions were being continually put to the Ministry; little matters were being perpetually urged on the subject of this company; gentle hints and jogs were constantly conveyed to the Chancellor of the Exchequer and the Treasury, which were perfectly unmistakeable. Owing to the formation of this contract and to other circumstances, a Committee was appointed to sit on the subject of postal contracts generally. It was named early in July, 1859, and continued to sit till the end of the Session, but did not make its Report. On the meeting of Parliament in 1860 it was reappointed, but the Report was not made until the 22nd of May in that year; and in that document this passage occurs—

> "It will, of course, be open to Parliament to decline to vote the money for carrying out this contract, but your Committee are not prepared to recommend that course."

Although such in terms was the recommendation of the Committee, I think anybody who is aware of all the circumstances which occurred at that time must be perfectly certain that the fate of the Galway contract was trembling in the balance. We did not know what course the Government were likely to pursue; and it depended on the steps which the Government took whether that contract would be carried out or not. If we could have drawn the slightest inference from any circumstance which had previously occurred as to the *animus* and disposition of the Government, we should have argued hostility towards the subsidy on their part rather than any favour towards it. This Report, as I have said, was made on the 22nd of May, 1860, and a month afterwards, on the 22nd of June, the doubts which we had previously entertained were considerably strengthened by a letter from the Treasury to the company. It said—

> "Under these circumstances it is impossible for their Lordships to foretell what may be the decision of Parliament, or until the final Report of the Committee is made to give any pledges as to the course the Government may think it their duty to adopt."

The question was at last set at rest, but not until the vote of the House of Commons on the 9th of August, 1860. That is exactly sixteen months from the time the agreement was originally entered into. I may, therefore, point out that it was not till sixteen months after the original contract had been agreed on, and until two months after the company had been bound to enter on the performance of their contract, that it received the sanction of the House of Commons.

Let me now call attention to the position of the company during this crisis of their affairs. I am addressing a number of Gentlemen perfectly acquainted with mercantile transactions. Let me ask them what would be the position of any company in the world, engaged in an undertaking of such magnitude, bound by contracts amounting to half a million of money, whose whole hopes of getting their share capital paid up, and of inspiring contractors with the necessary confidence that their claims would be met were dependent upon the existence of a contract—if the fate of that contract were kept in uncertainty for sixteen months? The Directors had nothing whatever to rely upon; they could not even assure their shareholders that the contract would be carried out. That, I repeat, is the cardinal point of this case. If you meet us with the letter, we meet you with the spirit. If *laches* have been committed, we say that those *laches* are excusable; and that in consequence of the position in which this company was placed, by no fault of their own, but by the action of the House of Commons, this House ought to view the proceedings of the company in a fair and lenient spirit, and should give them the benefit of every doubt which may arise in their minds. What then, I will ask, occurred in June, 1860? This Committee was still sitting. Every consideration that could be urged against the company was brought forward; and I am bound to admit that some very unpleasant transactions came to light. But with none of those were the shareholders or any member of the present Board of direction in any way connected. In June, 1860, although the contract had not been sanctioned, the company determined to put their ships afloat. They were afraid that if they had not their ships afloat, opportunity would be taken by their opponents to bring that fact before the Committee; that a breach of contract would be alleged, and that an unfavourable impression would be made on the Committee, the effect of which might be to induce them to make an adverse Report. Under those circumstances the company actually commenced the service two months before the contract was granted; and they were called on and recommended to carry it out by the Treasury. That fact is not in writing, but I think it can be sufficiently proved before a Committee of this House. They were recommended by the Treasury to put their ships afloat, although at the time the Treasury had no means of paying them for that service.

The next subject is that of the Newfoundland contract. I confess that I have been placed in a very difficult position in regard to this particular matter, because I found that yesterday evening a reply was sent by the Postmaster General to the statement of the Directors, in which they allege as a grievance that his Lordship had forced them to give up the Colonial Subsidy, while he kept them to the service to St. John's for which that subsidy had been granted. The House will bear in mind that in a letter from the Admiralty, written by Mr. Brady, that Gentleman makes this observation—"Nothing can be clearer to my mind, and certainly when the contract was settled it was not intended to send mails to St. John's." In spite of what Mr. Brady said—in spite of the instructions of the Admiralty, the Treasury Minute, and every official document—the carrying of the mails to Newfoundland was forced on the company at the mouth of the pistol by the Postmaster General. He had a double-barrelled pistol; because, while he forced them to carry those mails, he also compelled them to give up the Colonial Subsidy. In his reply to the statement made by the company on this point, the Postmaster General states that the contract for the carriage of the mails between Galway and Newfoundland was only for one year and had terminated; but I reply to the Postmaster General by stating simply that what he alleges is inaccurate. It is perfectly true that the contract was made for only one year, but it was to be renewed for five years if the Colonial Legislature consented; and they did consent. That is my reply. This matter of the carriage of the mails to Newfoundland is the most important point connected with the subject, because it impoverished the company and laid the foundation for the final cancelling of the contract; but I shall not go into it more minutely, as I think it is better to leave it for a Committee. It is alleged that the company has become subject to pains and penalties because they have not strictly carried out the contract according to what the Postmaster General considers the letter of the agreement, while it is not remembered that it was under a threat of the withdrawal of the contract that the company was forced to accept the condition of carrying those colonial mails on the terms imposed by the Postmaster General.

I now come to the destruction of the contract. In October, 1860, the company did apply to his Lordship to postpone the subsidy till March, 1861. That was their first proposal; and a great deal has been made of the fact of that suggestion having been thrown out by the company; but coupled with it was a request that the *Prince Albert* should be accepted for the temporary service, in consequence of the loss which had been sustained by the company, till their other vessels were ready. That request was refused. In a communication of the 12th of December, 1860, the company referred to the new condition of carrying the mails fortnightly to Newfoundland, and they asked for an extension of the time for commencing the service till June. They alleged that they had been forced by the alteration of the contract, and by what they considered to be the additional duty which they had been compelled to perform, to ask for that indulgence. They requested that instead of taking the extension to March, the time which they asked for when they did not contemplate carrying the mails fortnightly to Newfoundland, they might be allowed to take up to June. If the House will examine the correspondence they will see that in letter "61" they asked for the extension to June; in letter "62" they pressed for it; and in letter "63" they spoke of the loss of the *Connaught*, and proposed that the *Prince Albert* should be accepted. In letter "76" they gave their final protest, when the terms imposed upon them were that they must either give up the contract or consent to go on with the service in March; although, if their first demand to extend the time to June had been conceded, they would have been in possession of the *Adriatic* by that time, and the probability was that the service would have been carried on. I shall not go into the particulars of this matter, but I may make this observation—that in the letter of the 26th of March, discontinuing the service, the Postmaster General stated that the company had not one vessel capable of carrying out the contract. On that day I am informed they had one of the finest vessels in the world—the *Adriatic*. She had been employed by Sir Samuel Cunard, in consequence of some accident to one of his steamers. She carried over the mails from America to Cork for him, and the directors of the Galway Company applied to the Post Office to let her go out; but that department absolutely refused to let her make even one journey until she was surveyed by the officers of the Admiralty. Though the practice of surveying mail vessels is a good one I think that, considering the *Adriatic* had carried over the mails for Sir Samuel Cunard, the Postmaster General might have permitted her to make one voyage for the Galway Company without a survey. However, all these matters may be thrown on one side, because for almost every one of those *laches* and those concessions and indulgencies the Galway Company had, if I may use a vulgar expression, to "pay through the nose." The payments for fines inflicted on the company from the beginning of this business to the end has amounted in round numbers to over £8,000. It is supposed that this company has received a large sum for doing nothing; but let me assure the House that they have received no money except for services actually rendered, and that the total amount received by them is only £14,700. There have been irregularities, no doubt, and there have been concessions granted by the Postmaster General, but those concessions have been paid for. The company have been fined over and over again. I contend that those fines having been levied condonation has taken place, and that, therefore, dismissing those points, we must come at once to the crowning occurrence that took place on the 7th of May. In consequence of not having any vessel of their own the company chartered the *Parana*. I may mention that she is a vessel fulfilling all the conditions of the contract in respect of tonnage and horse-power. Her speed had been proved on former voyages, in which she had actually reached Boston in one day and several hours within the contract time. She had also returned in a shorter time than that specified in the contract. She was, if we may judge from these circumstances, a vessel capable of fulfilling the contract. By the contract dated the 21st of April, 1859, the company are bound to keep seaworthy and in complete repair a sufficient number of good, substantial, and efficient steam vessels of certain tonnage, but in case the vessels become disabled they shall immediately replace the same by good and efficient vessels of similar tonnage obtained by hire or otherwise. The words used are "efficient vessels," and there is not a word as to speed. The *Parana* had gone within a day of the time mentioned in the contract, and, therefore, provision was made for the unfortunate accident that had taken place. The accident to the *Hibernia* occurred after she had been passed by the Admiralty surveyor, and when she was on her way to the port from which she was to start. I am perfectly aware that the vessels to be employed under this contract were to be subject to the approval of the Commissioners of the Admiralty, but I contend that their approval or disapproval was not to be merely arbitrary, but based on some distinct and intelligible principle. What is the principle on which the Admiralty disapproved the *Parana?* Lord Stanley of Alderley disapproved her on the ground that the Admiralty surveyor had stated that she was not able to carry the mails to St. John's within six days; but allow me to remark that that forms no part of the contract. The Postmaster General in one of his letters states that the company had only once taken the letters to St. John's within six days, but he omitted to mention that the company had carried despatches repeatedly from St. John's within six days. With regard to this question of carrying the mails to St. John's within six days, on which the whole matter hinges, I have to make this observation:—By the new contract entered into by the company, provision was made for taking the mails to St. John's, but no time whatever was specified. The time specified had reference to conveying the mails to Boston alone, and the proof of this is that there are no time tables for St. John's. Therefore, when the noble Lord says that in his refusal to accept the *Parana* he was guided by the decision of the Commissioners of the Admiralty, my reply is that they did not say the *Parana* was not competent to carry the mails to Boston within the time specified in the contract, but they were asked if it could go to St. John's in six days, and they said it could not go. The fact is, that the *Parana* did go to Boston, and accomplished the voyage within one day of the time specified, and came back in a shorter time. I ask, then, was it a wise or proper mode of dealing with the company to refuse a vessel which the Postmaster General had every reason to know would do the service within the specified time? I am extremely obliged to the right hon. Gentleman the Secretary to the Treasury (Mr. Peel) for the answer he gave to the question which I addressed to him yesterday. I wanted to know what penalties had been imposed on other companies for breaches of contract, and what indulgences had been shown to other companies when such breaches were committed. The right hon. Gentleman paid a high compliment to Sir Samuel Cunard, and I think that compliment well deserved; but it is of importance to observe that in regard to Sir Samuel Cunard's company no penalty can be imposed, except a fine of £100 for not having a ship ready to start. There are no penalties imposed on that highly subsidized company for over time, and no power to terminate the contract, because no time is specified.

Lord Stanley of Alderley takes to himself a great deal of credit throughout the whole of the correspondence. He speaks a great deal of the indulgence shown and the immense concessions made to the Galway Company. He seems to be one of those who take the benefit of that passage, "Blessed are the merciful, for they shall obtain mercy." The noble Lord evidently thinks that he has conferred considerable blessings on the company. He says "More concessions have been granted to this company than to any other company that ever existed." Now, let us see what is said by the Committee presided over by Lord Canning in 1853 with reference to the Royal Mail Steam Packet Company. That Report says—

> "The mode in which this Company has performed its contract has of late been the subject of many complaints, and our attention has been called to several memorials which have been addressed to the Treasury, the Admiralty, and the Colonial Office, by parties interested in the communication with the West Indies."

The answer of the right hon. Gentleman (Mr. Peel) referred to the first two years of the Royal Mail Company's existence, but what I have now to read relates to a later period. The Report says—

> "The Company admit the correctness of the return which has been presented to the House of Commons. From this return it appears that in the course of the last two years the packets have only kept their stipulated time of arrival at Southampton on three occasions; that they have sometimes exceeded it by as much as fourteen or fifteen days; and that, on the average of the two years, they have failed to keep time by four days for each voyage."
>
> "We find also," the Report goes on to say, "from a return furnished by a mercantile house in Liverpool, through the postmaster of that place, that in the three years from February, 1850, to March, 1853, the duplicates of letters from Panama despatched by way of New York were received in Liverpool sooner than the original letters forwarded by the Royal Mail Company were received in Southampton on twenty-nine different occasions."

There is one passage in the Report which appears to me to apply so closely to the point now in hand, that I hope the House will favour me with their attention while I read it. It says—

> "We are satisfied that the Royal Mail Company has had great difficulties to contend with, and has made great exertions, and incurred heavy expense towards establishing an efficient fleet of vessels. On the other hand, it has been treated with great indulgence by the Government, and large allowance has been made for its shortcomings, in consideration of the unfortunate losses it has met with, and the interests involved in its maintenance."

Those losses consisted of two ships.

> "The subsidy which it receives is very large, and it has never been exposed to the competition of public tender. The abandonment of the North American branch within the first year of the contract, without any corresponding diminution in the subsidy originally granted, has rendered the rate of payment per mile much higher than was agreed upon when the company was formed."

Here, Sir, is a company profiting by the abandonment of a portion of its contract. The Report goes on to say—

> "It has, moreover, of late been very confidently asserted that several parties would be willing to undertake the service at a much lower sum than that now paid to the company; but while the contract remains in force there are no means of testing the sincerity of such offers."

What is the decision at which the Committee arrived? They say—

> "Under these circumstances, we are of opinion that, while it would not be fair towards the company at the present moment to determine the contract, or to inflict any penalty in respect to past deviations from it, the public interest, nevertheless, demands that a stricter course than has heretofore been followed with respect to such deviations be adopted."

I have no hostile feeling towards the Royal Mail Steam Packet Company. I know the difficulties they have had to contend with, and I have no wish to see them subjected to punishment at the hands of the Government; but I could not refrain from noticing the different treatment that company has received from that which has been extended to the Galway Company. I cannot but look upon the decision which the Government have come to on this matter as a great national misfortune. I am not going to say that the town of Galway has derived the most marvellous benefits from the existence of this company. That would be an unfair and exceptional mode of dealing with the question. But let me remind the House of the fact that Belfast and the north of Ireland have been so struck with the vital importance of direct communication that a new line has been commenced, and will shortly be finished, solely for the purpose of connecting Galway with Belfast. I may also say that the south of Ireland has been so impressed with the necessity of being in communication with Galway, that a line was sanctioned last year in Parliament to connect Limerick, Cork, Waterford, and the south-west of Ireland with Galway; and I fear that the withdrawal of the contract will have the effect of inducing the company to apply to Parliament to be released from its engagements, and thus deprive that part of Ireland of its communication with Galway. In former years, partly from the Commission of 1841, and partly from the general impression that prevailed in England, all idea of a communication between Ireland and America was pooh-poohed as visionary. Sir Samuel Cunard stated that if his ships were to call at any port of Ireland he must have an enormous increase in his subsidy. But what has taken place? Sir Samuel Cunard has now found out that it is absolutely necessary to accommodate the south of Ireland, and the consequence is that Cork has been made a port of call without any increase of subsidy being asked for. Other companies also, who formerly thought that Liverpool was the only place to be accommodated, have found out that Londonderry ought also to be a port of call. We now find that packets run both by the southern and northern route, and Ireland has three distinct ports of departure for America, when only a short time ago it was thought unnecessary she should have any American ports at all. I think that both the south and north of Ireland owe a great debt of gratitude to the late Government, because it is from no love of those ports that Sir Samuel Cunard sends his vessels to Cork and Mr. Allan his to Londonderry. We may also be assured that in this, as in other cases, when the jealousy is extinguished the love is likely to wax faint. Then, with respect to the subsidy—it is but £74,000 a year; and let us look for one moment what are the advantages to England of that subsidy. At this moment news from the United States is greedily sought for, and the difference of a few days earlier or later is of vital importance to every man engaged in trade. And when the Postmaster General, Lord Stanley of Alderley, stated in "another place" that after all, so far as England was concerned, we might just as well have vessels running from Queenstown, inasmuch as they went to New York as soon as from Galway, he forgot the enormous importance of the telegraphic communication that is brought from St. John's, and which transmits news four or five days later than by the direct ocean communication. I believe it is totally impossible to over-estimate the value of this communication between Ireland and America.

Hints have been thrown out that Ireland would be satisfied either with having ships touching at her ports or with having another contract thrown open to public competition. Well, I confess that, considering the hard usage that this company has received—I mean with regard to being forced to hurry on their ships, which has driven them into all this difficulty—considering, also, the danger that such a contract would be accepted by persons whose only object would be to do away with this communication between Ireland and America—I hope the House of Commons will take, I will not say a lenient, but a just view of this question, and devise the means of extending indulgence to this particular company. With regard to our part of the world, I think that Galway has some peculiar claims. Everybody knows that Galway is not a very wealthy place, but I believe all Irish gentlemen are perfectly aware that a very large and liberal subscription, almost exceeding the means of the persons subscribing, has been raised with the view of improving the accommodation of the port by providing a suitable landing place. The town of Galway has brought in a Bill to tax itself to the amount of fourpence in the pound on rateable property to improve its piers and harbours; and the county of Galway has agreed, by the resolutions of two successive grand juries, and of the presentment sessions of every barony except two, to tax itself one penny in the pound in order to improve the harbour of Galway and provide docks for the ships. When, therefore, it is thrown out that we never help ourselves, let the House see how ready we have been to put our hands in our pockets, although they are not deep ones. We have done our best, and we think that there ought to be some consideration shown to us. Let me refer to a circumstance that has occurred, to show the difference between the treatment sometimes extended to one country and the other. I refer to the course taken by the Treasury towards Ireland and Scotland. Last year the Harbour Commissioners of the town of Galway asked permission of the Treasury to expend £1,200 of their harbour dues in laying down moorings. The Treasury refused, though the only effect would have been to postpone for six months the last instalment of the debt due by the Commissioners. Simultaneously with that refusal, namely, on the 23rd of July, 1860, an Act passed this House to provide for the settlement and discharge of the debt due to the Treasury from the Commissioners of the Harbours and Docks at Leith. This debt amounted, in 1838, to no less than £528,374, and Heaven only knows how much remained unpaid in July, 1860. The end of the operation was that this immense debt, although contracted by the city of Edinburgh, was compromised by the Treasury on the payment of the sum of £50,000, as may be seen by the Schedule of the Act. That is the treatment extended to one side of St. George's Channel as compared with the other.

I will not allude to the great amount of personal distress in Ireland which will be occasioned by the termination of this contract. But this is practically an announcement that capital must fly away from a people so unfortunate. I am very much afraid that the course pursued by the Government will add another to the many resentments cherished by that country against this. It will be considered in that country that this course has been adopted in a grudging and envious spirit towards an undertaking that was calculated to come into rivalry with Scotch or English interests. This may be very erroneous and it may be very unreasoning—[*ironical cheers*]—and I am perfectly ready to acknowledge that it is so. But I say that those who undertake the management and government of a country must make allowance for popular sentiment. This House of Commons which sets up to be a burning and a shining light to the whole world, and places all its measures on the solid basis of argument and reason, did it not defer last year to what was called an unreasoning and erroneous sentiment? The right hon. Gentleman the Home Secretary will remember that on the Religious Census Bill a most important provision was struck out solely in deference to what he called an unreasoning sentiment. And, therefore, Sir, when hon. Members cheer me ironically for saying that it is an erroneous sentiment on the part of the people of Ireland, let me remind them that an erroneous sentiment on the part of a large section of the people of England was deferred to last year by the Secretary of State himself. The late Under Secretary for Ireland (Mr. Drummond), well known for the aphorism that "property has its duties as well as its rights," used to say that "how to do it" was in his mind a matter of as great importance in the government of Ireland as "what to do." I wish Her Majesty's Government would take into consideration that opinion of Mr. Drummond, and, rely upon it, they would be no losers if the contentment of a people be a gain and a success. I am quite aware that Her Majesty's Ministers have great difficulties to contend with—they have the greatest of all difficulties to contend with—the difficulty of being ignorant how to do it. They are in this position, that they have not one single Irish gentleman connected with them from whom they can obtain the slightest reliable information as to the temper of the people. Moreover, they do not take the trouble to consult those gentlemen out of the House who would be willing to enlighten them on the subject. As paradoxes are at a premium in the Cabinet, perhaps they are acting upon the hypothesis that persons who are well-informed and enlightened on the subject through experience are so blended by ingrained and inveterate prejudices that it would be better not to apply to them for their opinion. That, at all events, is their practice if not their theory, and they will have every opportunity of carrying out that principle with perfect and uninterrupted success, because I conceive that when we who are supporters of the Government go back to our constituents, our fidelity to our party will not be, as heretofore, a matter for glorification, but a matter of excuse. I know perfectly well that it will be thrown in my teeth that my argument goes to the length of maintaining that Ireland is to be favoured by the grant of subsidies and contracts; but that is not the argument I used. That is not the meaning I wish to convey. The question at issue is not this miserable dole of £72,000; but the question is whether, while English enterprise is met with favour, Irish enterprise is met with every disfavour? It is the question of the spirit and *animus* which have influenced you from the beginning to the end of the matter. It is the question whether political antipathies are to be indulged in at our expense, and whether in wounding Ireland you can discredit the Earl of Derby and gratify party pique by the destruction of a nation's hopes? I confess the prospect is not a cheering one. When I go back to those who sent me here, I shall be forced to tell them that Her Majesty's Government have given a practical proof that we in Ireland may contribute, but shall not receive—that we may sow, but shall not reap, and are not worthy of the crumbs which fall from the rich man's table. I now, Sir, put my Motion in your hands, and the way in which I should wish the matter to be investigated and decided on is not by having a large Committee, but I should rather desire to see the subject left to the arbitration of five persons selected for their impartiality. If you choose to put on the Committee one Member on the part of Ireland to conduct the case, and one Member on the part of Government to defend the Government, perhaps that would be the most satisfactory mode of proceeding; but all I can say is this—that, insisting that the question shall be judged not merely on the letter but by the spirit of the contract, I shall myself, for one, acquiesce with the most perfect readiness in the impartial decision of five English Gentlemen.

Amendment proposed, to leave out the word "That" to the end of the Question, in order to add the words—

> "A Select Committee be appointed, to inquire into the circumstances attending the termination, by the Postmaster General, of the Postal Contract with the Royal Atlantic Steam Navigation Company."

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Lord JOHN RUSSELL: I wish to say a few words in reply to the observations made by the hon. Gentleman at the commencement of his speech. It was irregular, no doubt, to refer to a former debate, but since the hon. Gentleman has chosen to commit that irregularity I must be permitted to follow him in the same course. The hon. Gentleman has made a charge of want of frankness in the part I took in the debate alluded to, and I beg to state what occurred. There had been, on the morning of a very important debate, an intimation in a newspaper of the most general circulation—*The Times* newspaper—that a rumour existed of a bargain made between the Government and the Irish Members that, in consideration of £36,000 being paid on account of the Galway contract, the Irish Members were to support the Government. Now, Sir, I considered that rumour as a calumny, and I stated on behalf of the Government that it was a calumny on the Government. I certainly had a right to do that. It was obvious that the calumny was aimed against the Government on one side, and against the Irish Members on the other; and it was my business, as a member of the Government, to deny the imputation. The right hon. Gentleman the Member for Buckinghamshire spoke early in that debate, and referred incidentally to the question of the Galway contract. It, therefore, became my opportunity and my duty to refute the calumny. It was for the Irish Members to refute that part of the calumny which referred to them; but, with respect to the conduct of the Government, I stated that I had been informed by my noble Friend the Prime Minister that a gentleman, who seemed entitled to ask the question, had asked him to receive a deputation of Irish Members on the Monday morning, and that so anxious was my noble Friend to avoid any misconstruction that he declined to receive the deputation. Now, I do not say that Mr. Daly was authorized to make that communication; I did not say that he stated himself to be authorized, but I said that he seemed to be entitled to ask the question, and I do not know that if I had to make the statement to-day I could use words that would more correctly convey my meaning. My noble Friend afterwards, in answer to a question from the hon. and gallant Member for Roscommon (Colonel French), made a statement in respect to what passed between Mr. Daly and himself, and any one who reads in the newspapers the speech of Father Daly, as he is called in Galway, will find that that gentleman gives exactly the same account of the interview. Some days after, I having made no imputation on any hon. Member—on a Wednesday, when it is not expected that public matters will be introduced, and when the Bills of private Members were generally the subject of discussion—my hon. and gallant Friend the Member for Roscommon came down to the House and disclaimed on the part of the Irish Members any authority having been given to Mr. Daly or any other person to use threats to the Government with respect to the impending division. My noble Friend, I understand, immediately got up and stated that he was perfectly satisfied with that declaration, and there the whole matter seemed to be at an end. That statement was made to my noble Friend and not to me. My noble Friend accepted the disclaimer—I was not present in the House—and I concluded that the business was at an end. But as the hon. Gentleman (Mr. Gregory) has made a statement to-night, I am ready to say that I, like my noble Friend, accept the disclaimer, and readily believe that Mr. Daly had no authority, and was not entitled, to propose the deputation to the Government. On the other hand, it must be admitted that, supposing the Government had acted with the greatest injustice to the Galway Company, it would have been disgraceful to the Government and to the Irish Members if, for the sake of a majority on a question under discussion at the time, there had been any contract between them. I, therefore, think I was bound to make the statement I did a few days afterwards. *The Times* newspaper stated that that had been a current report, and that they gave publicity to it. That being so, both the Government and the Irish Members ought to be obliged to that newspaper for bringing prominently to light the current rumour; and, for my part, I was glad to have the opportunity of utterly disclaiming that there was any truth in that report. It is not my intention to enter now into the question of the Galway contract, as the Government do not intend to oppose the Amendment. The whole of the subject will come under the consideration of the Committee, and if any injustice has been done to the Galway Company, or any injury to the interests of Ireland, I hope that injustice and that injury may be redressed. In reference to the concluding observations of the hon. Member, I may say that I remember, upon one occasion when I called on Viscount Melbourne, that that noble Lord informed me that he had offered the appointment of Lord Lieutenant of Ireland to Lord Althorpe, who refused the office, stating that he did not suppose the appointment would be very popular. Upon this Viscount Melbourne remarked that he was entirely mistaken, and that no people more than the Irish would have admired, respected, and appreciated his plain and simple character and his love of justice. I agree with Viscount Melbourne that the Irish people do appreciate justice, and if any injustice has been committed towards them, they will naturally feel sore on that account; but I believe that a Government wishing to stand well with the Irish people ought not to endeavour to do so by offering them any unfair advantage, but, in order to be popular, ought to be guided by the principles of justice.

MR. BAXTER said, he was glad that Her Majesty's Government did not intend to oppose the Motion made by the hon. Member for Galway in a singularly temperate and able speech. Such a course was only respectful to the people of Ireland, who, there could be no doubt, felt strongly and unanimously on the subject, and were entitled to have it thoroughly investigated, though in his humble opinion they had been greatly misled and deceived. The more investigation was carried to the bottom of the question, the more clearly would it appear that the Postmaster General had only done what it was his bounden duty to do—what he was forced to do by the circumstances of the case, by the action of the Company themselves, and as many commercial gentlemen well acquainted with the facts thought ought to have been done long before. Before making a few observations, and they should be but few—because his case was so much better than that of the hon. Member for Galway—he might be permitted to clear the ground by distinctly stating that his hostility to the Galway subsidy had nothing whatever to do with the fact that the vessels sailed from an Irish port. Hon. Gentlemen would recollect that he had before stated in the House, that wherever there was effective competition on any ocean—and there was such competition on the North Atlantic—a subsidy became a profligate waste of public money. Those being his views, he thought the Earl of Derby's Government quite wrong, not only in granting the Galway subsidy, but in renewing the contract with the Cunard Company. There were several hon. Gentlemen who sat with him on the Committee last year, and they would do him the justice to say that he lost no opportunity of exposing the evils that resulted from the extension of the contract to the Cunard Company. The hon. Member for Galway intimated that Scotch interests were perhaps concerned. He could only say that he (Mr. Baxter) had no connection with any steam packet company, or with any port from which trans-oceanic steamers sailed, and his simple desire was to save the public money by exposing the evils that sprang from a system of unlimited subsidy. At the same time he would admit that in his view Ireland was entitled, if for no other reason, from her geographical position, to a direct postal communication with America; and he always held the opinion, that in any new arrangement with the Cunard Company, it would become the bounden duty of the Government to see that Ireland was made a point of departure and a point of arrival. But that could very wisely have been done, and ought to have been done, without hastily renewing the contract with the Cunard Company on the old terms—terms which, as every one connected with commerce knew, were ridiculously advantageous to that Company, and without giving a subsidy to the Galway Company, which never had sufficient means to carry on the business—and which he had no hesitation in saying was nothing more than a commercial sham. They must all admit that, as soon as the contract was signed by the Government and solemnly ratified by the House of Commons, it was the duty of Government not only to "implement" it, but to "implement" it in the most fair and liberal manner. Now, how far was the charge which the directors of the Atlantic Royal Mail Company brought against the Government, in a document more full of misstatements and inaccuracies than any document he had ever perused—how far was that charge correct? The first question that arose from the people of Ireland and from that House was what was the financial position of the Company itself? Many Members of the Committee of last year believed that the Earl of Derby's Government had not made sufficient inquiry with regard to the pecuniary responsibility of the Company; but he held in his hand a document which set the matter at rest—a document extracted from *The Times.* The balance-sheet of the Company, made up to the 31st December, 1860, showed a subscribed capital at that date, of £406,390, while the losses amounted to £335,839, leaving a balance of £70,550. He had some little experience in these matters, and having run over the various items contained in this balance-sheet, it did occur to him that they were not very correctly stated. He, therefore, put the document into the hands of an experienced accountant, requesting him to examine it, and he reduced the balance of £70,550 to £19,996. [MR. HENNESSY: How was that done?—Colonel FRENCH: Oh, by simple subtraction.] Since December of last year the Company had lost a great deal of money, and he was sure he was not addressing a single commercial man in that House who did not believe that even if they were to give to the Company every shilling of the £72,000 in the present year, their position, financially speaking, was wholly hopeless and irremediable. Now, with regard to the ships which the Company at the present time had ready to perform the contract. Hon. Gentlemen might flatter themselves that the case was not really quite so bad as had been represented. He was rather struck with the observations of the hon. Member for Galway (Mr. Gregory), who seemed to hope against hope, and said that if indulgence were granted to them, the Company might yet be able to carry on the service. But what was the fact? It was a very ugly and indisputable fact that at the present moment the Atlantic Royal Mail Company had only one ship answering to the requirements of the contract. That ship was the *Adriatic.* [Colonel FRENCH: And the *Hibernia.*] He would come to the *Hibernia* presently. He wished to be perfectly fair, and he would, therefore, readily admit that there was no finer vessel on the ocean than the *Adriatic.* She had, he believed, been purchased from the Americans, and formed at one time one of the Collins' fleet of steamers. Now, the Company were bound by the conditions of their contract to have steamers of 2,000 tons and 450 horse power. It required four steamers to perform the service, and four steamers were ordered by the company in due course. The first vessel ordered was the *Connaught,* than which a worse vessel never crossed the ocean. He was only surprised that the officers of the Government ever permitted that vessel to go to sea. To every one's astonishment, however, she made one passage. On her second voyage she sprung a tremendous leak, also took fire—and her crew and passengers were only saved by the greatest heroism and daring displayed by the captain of an American brig. The second ship taken to perform the service was the *Hibernia.* Her history was, if possible, still sadder. She left Southampton, took her station on the Galway line, and what was her hard fate? She got as far as Cape Clear when she, as stated in the document to which he had already referred, encountered a severe hurricane. All he could say was that the captains of five other steamers belonging to three different lines, who were in that neighbourhood at the time, were perfectly unconscious of any hurricane. Their reports stated that there was nothing further than a tolerably heavy sea. That sea, however, seemed to have proved too much for so bad a ship as the *Hibernia;* she had to put into Cork, leaking fore and aft, and the greatest possible difficulty was afterwards experienced in bringing her round to Liverpool, where at last she did arrive. Now, as the hon. and gallant Member for Roscommon (Colonel French) was anxious to hear about the *Hibernia,* he (Mr. Baxter) would read for the information of the hon. and gallant Gentleman the Report of the Government Surveyors in regard to the *Hibernia.* The Report was dated the 6th of April, 1861, and was as follows:—

> "We have surveyed the *Hibernia* in dry dock at Messrs. Laird's yard at Birkenhead in reference to the Postmaster General's communication respecting the leaky state of that vessel, consequent on encountering a heavy gale on her passage from Southampton to Galway, and we found the whole of the butts of the flat keel and bottom plating for about 180 feet amidships very much strained; and that several of the butts of the upper strakes in the wake of the paddle-boxes and sponsons have, likewise, been considerably strained, indicating such a deficiency of strength in the vessel, especially in a longitudinal direction, as to render her unseaworthy, and to fully account for the leakage, which, it is said, required the whole of the engine pumps and bilge injections to keep it under. The Company have caused a survey of the ship to be made, with a view to determine what should be done to strengthen her, and in other respects to make her fit for the service she is intended for, and their proposals for this object when decided on will, we understand, be officially submitted for the consideration of the Postmaster General. The engines for driving the paddles are stated to have performed well; but the main shaft of the engine, for driving the air pumps, has been somewhat strained, and is to be replaced by a stronger one.
>
> (Signed) "T. DINNEN.
> "J. LUKE."

Then the second survey, made on the 2nd of April, 1861, by the Liverpool shipwright surveyors, J. Martyr and W. Campbell, was to the following effect:—

> "We beg to report that the paddle steamer *Hibernia* has arrived at this port and been placed in dry dock. We have examined her, and she appears to show great symptoms of weakness, and will require to be considerably strengthened. We, therefore, submit that her certificate be cancelled. N.B. Certificate cancelled accordingly."

So much for the *Hibernia.* But he was told that a sum of no less than £40,000 would be required to make that vessel fit to go to sea at all, and he was quite sure of this, that neither the hon. and gallant Member for Roscommon nor the hon. Member for Galway, even after that £40,000 had been spent upon her, would trust their lives in her across the Atlantic. Having thus disposed of two of the vessels, or rather the vessels having disposed of themselves—he now came to the third vessel which was built—namely, the *Columbia.* In the document to which he had referred, the Atlantic Royal Mail Company complained grievously that they had not been able to see the Reports of the Surveyors of the Board of Admiralty, or of the Surveyors of the Board of Trade on these vessels. Since then, however, these Reports had on his Motion been laid upon the Table of the House, and he wished the Royal Atlantic Mail Company and its supporters great joy. With the permission of the House he would now read a short report made on the 1st of April, 1861, by Mr. Luke, the Surveyor to the Admiralty, in regard to the ship *Columbia*—

> "1st April, 1861.
>
> "I have surveyed the new iron paddle-wheel steamer *Columbia* afloat at Southampton. Her length is 360 feet, breadth 40 feet, depth to keel 30 feet, and tonnage 2,873 tons. The construction of her hull is, in my opinion, in many respects faulty; still, with the alterations and additions which I have had made at Southampton, I consider this vessel to be at the present time sufficiently seaworthy, and fit to carry the mails for two or three voyages during the summer service referred to in the contract, after which she should be carefully examined in dry dock, when I apprehend it will be found that she has not that degree of longitudinal strength in her lower and upper parts which she should have to prevent straining and leakage when at sea. "J. Luke."

The vessel was so bad that the Government surveyor would only pass her for two voyages, and he had letters from all parts of the country complaining that she should have been passed at all. The vessel made only one voyage, and he would here read two sentences from a letter addressed by a gentleman to an Irish paper with reference to that voyage—

> "Boston, Saturday, April 28, 1861.
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> "I am at last in Boston, after a long passage of eighteen days. The voyage was one continued tissue of mishaps, but I enjoyed it exceedingly. The *Columbia* is, I am sorry to say, a complete failure, as she should have been in Boston in nine days and sixteen hours, according to contract. She is very wet and slow as, notwithstanding the immense consumption of coal (120 tons a day), we never went faster than ten miles an hour, instead of fifteen, which she was intended to do."

She had been put into dry dock at Liverpool, and the last thing heard of her was that she had fallen over on her beam ends. The fourth vessel was the *Anglia,* which was not yet ready. The company, no doubt, had also the *Prince Albert,* but she was not a vessel answering the requirements of the contract. She indeed had made the passage homewards three times within the time specified in the contract, but the average of her voyages outwards was no less than four days beyond the contract time. One word as to the *Parana.* In the statement of the directors they were told that the *Parana* was a ship which had been employed in the postal service. That was so far true. The *Parana* was an old ship which formerly belonged to the West India Royal Mail Company. She never was a good ship, and she was condemned some years ago as unfit for the sunny seas of the Southern Atlantic, and without wishing to prejudice the Galway Company he should be sorry to trust his life in her. So much for the financial position of the Company, and the ships they had at their command. Then came the question—how had they performed the stipulations of the contract? He was sure the hon. Gentleman the Member for Stamford (Sir Stafford Northcote) would bear him out when he stated that the *sine qua non* for granting the contract originally on the part of the Earl of Derby's Government, was that the voyage from Galway to St. John's should be performed within six days. What were the facts? He would not trouble the House with details, but he would simply make one statement, which he knew to be perfectly incontrovertible, that out of thirty-nine homeward voyages the vessels of the Royal Atlantic Mail Company had only kept their time five times, and out of forty-one outward voyages they had never kept their time once. The House must not suppose either that those voyages were performed by vessels answering to the requirements of the contract; on the contrary, only two double voyages, as stated by the Postmaster General, were performed by ships answering to the requirements of that contract that had been cancelled. Those facts proved beyond all controversy that the Postmaster General was entirely in the right when he said—"It is evident that the Company are not now and never have been in a position satisfactorily to perform the conditions of that contract." When the directors put forward the statement that the vessels were built by builders of well-known eminence, he must tell the House that he had been informed by very good authority that two of those ships were built by gentlemen who never built an ocean steamship before. The hon. Member for Galway (Mr. Gregory) laid great stress upon the conduct of the Government in dealing with this contract, and told the House that the difficulties of the company were all created by the absence of any decision on the part of the House of Commons. But during all this period the ships were in process of construction; and the House would be surprised when he told them that two of them at least were ready, but remained on the builders' hands for the simple reason that the Company had not the money to pay for them. As to their difficulties in procuring ships for this service originally, they arose from the fact that the Company never was possessed of sufficient capital to carry on the enterprize. Then the Directors enlarged on the great difficulty in getting ships of such enormous tonnage built, but that was only trifling with the House of Commons. There was not an hon. Gentleman in that House connected with steampacket companies who did not know that there was no difficulty whatever in getting even larger ships built every day, provided they went to efficient builders and had money to pay for them. There was only one other point to which he would call the attention of the House. The Secretary of the Post Office had written to the secretary of the Company, stating that greater indulgence was shown to this Company than was ever shown to any other packet Company. That was substantially true. The Royal Mail Company was, he admitted, very guilty indeed in respect of the time they occupied in their voyages. But the Atlantic Company never kept time at all, and, in addition to that, they had at the present moment only one ship fit to perform the conditions of the contract, whereas the Royal Mail Company, though guilty of heinous sins, was never in that deplorable plight. There was no other instance of a Company which had so conspicuously broken down or to which so much indulgence had been shown. But there was another Company — the European and Australasian—which had to contend with far greater difficulties than the Atlantic Company; but to that Company no indulgence had been shown, and it was a Scotch Company. They had to pay every shilling of the tremendous penalties they incurred, and obtained no remission of the sums to which they had become liable in consequence of the nonperformance of their contract. He had been asked to bring their case before the House, but he refused to do anything of the kind, and for this reason, that he was certain that the moment they showed indulgence to Companies, and remitted the penalties due from them, the contracts would become delusions and shams. The Galway Company had not a penny of money, and it had only one vessel that was in a position to meet the terms of the contract. It had utterly failed to perform one of the duties it had undertaken. What, then, could the Postmaster General do, under the circumstances, but what he had done? And he (Mr. Baxter) was at a loss to know what the hon. Member for Galway wanted? Did he want further time for the Company to raise additional capital? Every man of business knew that would be only to throw away good money after bad, and would only make that final winding up which must eventually become more disastrous to those concerned. Did he mean to ask Her Majesty's Government to allow the royal mails to be carried in such ships as the *Parana*, the *Columbia*, and the *Hibernia*? The Government would incur a tremendous responsibility if they in any way countenanced ships which were not fit to cross the North Atlantic. For these reasons he submitted to the House that the Postmaster General had done what was simply his duty—a duty which was forced upon him by the gross mismanagement of the Company and its want of capital. At the same time he should support the Motion for a Committee. And for this reason only—respect for the feelings of the people of Ireland. He supported it, not because there was the slightest pretext for finding fault with Lord Stanley of Alderley, but that the people of Ireland, by an investigation into the affairs of that bubble Company, might be made aware how grossly they had been imposed upon and deceived.

SIR HUGH CAIRNS: There is one observation which was made in the earlier part of his speech by the hon. Member for Montrose (Mr. Baxter) to the full benefit of which I admit he is entitled—I believe that his course with regard to these contracts has been perfectly consistent. He has not opposed this subsidy, in my opinion, on the ground that it was an Irish subsidy. He adopts a plain and intelligible course when he says "I am opposed to all subsidies for the performance of postal services." But I wish I could go further and say that the rest of his speech was characterized by the same fair and candid spirit. Now I have no title to speak here on behalf of the Atlantic Steam Navigation Company. I do not know what are the full particulars of their case. I have no connection with them which would justify me in answering on their behalf; but I have the honour to be a Member of this House, and I have some idea of what is fair play. When we make charges in this House with regard to the conduct of the Executive Government, if we are of opinion that the course taken by them is not justifiable under the circumstances, they are here to answer for themselves. But with regard to a private and commercial Company, whose interests, not merely for the past but for the future, are deeply involved in every observation made in the course of this debate, I will ask the House whether the observations of the hon. Member for Montrose were perfectly fair observations? Was it candid in the hon. Gentleman or fair to a private Company whose credit in the world is of some importance to them with regard to their future transactions—there having been no termination of the contract on the ground of want of capital or solvency—that having proceeded on grounds altogether different—was it fair in a discussion of this nature to assert that this Company was in a state of hopeless insolvency, to say that they had not got a shilling, to produce a balance-sheet made up to the end of last year, and announce to the House the results, not as they appear on the face of it, but as he stated they had been made out by some ingenious accountant? Was it fair to conceal what I only know by common report, that since the time of which the hon. Member spoke the Company has actually changed hands, and has now a proprietorship as solvent, as able to fulfil any engagements, and to contribute any sum of money towards carrying it on as any company in the kingdom? Did the hon. Member for Montrose know that, or did he not? I say if, as a matter of common rumour, he did not know it, he is singularly unfortunate in the extent of his information on this subject. Anything more unfair to the Company when they are not here to answer for themselves, and when the Postmaster General has not made it one of the charges against them that they have no capital, I cannot conceive. I will give another instance of the fairness of the hon. Member for Montrose. He says the four ships which were ordered to be built were utterly worthless, and he speaks as if they had not been built by known builders and in accordance with the contract. What is the fact? The contract specified on the face of it what were the requisites of the ships to be built. I know that contracts were entered into with builders known to be of great repute—I know the contracts were for prices not too scanty or niggardly, but for full prices; and I know, moreover, that with regard to every ship built and delivered the Government surveyors announced their approval. Is it fair, then, to a Company which has entered into a contract for the construction of vessels according to the specifications for proper prices, who had their ships surveyed and passed by the Government inspectors, to say now that those ships are utterly worthless—to make that a charge of blame against them, and not as a ground of commiseration, that, having done everything in their power, their ships have not answered their just expectations? Above all, is it fair that the hon. Gentleman should say, as he did say with regard to one of these vessels, that if £40,000 more were expended upon her, as recommended by the Government surveyor, he did not believe any Member of that House would trust himself in her across the Atlantic? But this does not end my charges of unfairness against the hon. Member. He tells us that, it being alleged by the Company that a particular vessel met with a disaster in a great gale off Cape Clear, he has seen letters from captains of merchant vessels who were out at the time, and knew of no such gale; while the papers on the table inform us that the Government surveyor, having examined the ship at Liverpool, speaks of her having met with the misfortune to which the hon. Member now refers in a gale off Cape Clear. Well, then, it comes to this—was the Government inspector competent, or was he not competent, to speak as he does, that the damage received was such as the vessel would sustain in a heavy gale? I have not yet done with my charges against the hon. Member. The hon. Member professes to be accurately informed as to the case of the Australasian Steampacket Company. He spoke of the losses they met with, and the penalties enforced against them. He says other companies met with indulgence; but the Australasian Company was a Scotch Company. They failed to perform the stipulated service, and incurred penalties, which he said were exacted to the utmost farthing. Now, what is the fact? I have got the Report of the Committee on which the hon. Member for Montrose himself sat, and what do I find? The Committee put this question to Mr. Clifton,—"What penalties were enforced against the Company?" So far from the penalties being exacted to the utmost farthing, as the hon. Member for Montrose states, the answer is:—"The penalties incurred amounted to £75,725; the amount remitted was £21,133." Is it fair, then, to mislead the judgment of the House of Commons, on the eve of an inquiry too? Is it fair in the hon. Member, who sat on the Committee where those facts were disclosed, to affirm, as a matter upon which there can be no doubt, that, though in the case of the West India Mail Company indulgence has been shown, yet in the case of a Scotch Company the penalties were exacted to the uttermost farthing?

Speaking for myself, I am extremely glad that this matter has been taken entirely out of the field of politics. I regret that it has ever been mixed up with politics, and I am sure that if anybody has to deplore it it is the Company. The case from first to last is one not for political judgment, but for fair and impartial consideration. It is a question not merely of a local company, and affecting this Company only, but it affects the whole question of Government contracts. I do not think there is anything in the world which will place Government contracts at a discount in the market so much as to allow the idea to get abroad either that the Government is in the habit of resorting to what may be called sharp practice to terminate a contract, or that it deals in a different way in the remission of penalties or the cancelling of contracts with different companies. There are two reasons which, to my mind, are perfectly conclusive as to the granting of this Committee. Up to 1854 or 1855 the form of contract was this:—The Post Office or the Admiralty contracted positively to pay a certain sum of money for the performance of a particular service, and if any dispute arose the contractor was able to take the opinion of a Court of law. But a few years ago the House of Commons altered the form, and this and all other modern contracts simply engage not to pay a subsidy positively, but to pay a subsidy out of monies to be voted by Parliament. The Galway Company, in this case, contend that the *Parana*, which they tendered to the Post Office, but which the department refused, and thereon broke the contract, was an efficient vessel. That is a question which ought to be tried; but it cannot be tried in this House, nor, owing to the particular form of the contract, can it be tried in a court of law; and the House, therefore, having insisted on the alteration in the form of contracts for the purposes of its own policy, is bound to see that the contractor is not placed in a worse position than he would have been before, and to give him the opportunity of investigation. The other reason is one which has been very forcibly urged by the hon. Member for Galway. He pointed out that the contract was made in April, 1859, and that the service was not to commence until June, 1860. That interval was allowed the Company to raise their capital and to prepare their vessels, and if nothing more had occurred there would have been perfectly good reason at the end of that time for saying, "You are not perfectly ready to begin your service; it is your own fault, you have had time enough." But during the whole of that time the contract was one with respect to which the public entertained the strongest opinion that it was about to be cancelled or repudiated by the House of Commons, and while Parliament was perfectly free to break it on the one hand, on the other hand the Company were bound under heavy penalties to perform the service when the time came. I do not believe that in the history of these dealings between man and man there ever was a contract of that kind which for all that time bound one side and not the other. It does not need a very great experience of mercantile affairs of this kind, or a very keen insight into the motives of men, to see what sort of an effect this one-sided contract must have had on the Company in getting together their capital. The hon. Member opposite says that two of their ships were ready on the stocks at the end of the time, but there was not money to pay for them. Why, that proves the case. The capital of the Company was quite sufficient if it had been paid up; and why had it not been paid up? Because men were not such fools, when they saw the sort of security which the Company had from the Treasury, not to keep their money in their pockets as long as they could, and postpone paying the calls to the last moment. The security was totally worthless, for the Treasury wrote a letter to the effect that they would not undertake to say what would be the action of Parliament on the matter. It requires, therefore, to be investigated whether the Company has been dealt with in a spirit of fairness under the circumstances. In the letter to the Postmaster General from the Company there is an allegation which certainly very much surprised me. The Company say that, according to their own construction of the contract, they were not bound to carry the mails to St. John's. I have looked through the contract, and it is not necessary for me to say what is my opinion of its construction, but from its peculiar wording the point is certainly doubtful, and there is a great deal to be said on both sides. However, the Company say that on their application to the Postmaster General to postpone the starting of a particular ship for a fortnight, he not only consented and exempted them from the penalty, but he also insisted on the Directors of the Company signing an admission that their construction of the contract was wrong and his was right. I do not know whether that allegation is true or not, but if it is—and it has been left uncontradicted—I certainly do not remember that such a course—putting duress on a contractor and buying off, as it were, his construction of an agreement—was ever pursued by a department before, and I hope it will not be drawn into a precedent, for it does not redound to the honour of the department. I think I know what a Court of law would say to the proceeding. I am glad that the Government have consented to the appointment of this Committee, and I only regret that the hon. Member for Montrose has felt it his duty to-night to speak in such a tone of a Company which is not here to defend itself. There is one part of the case about which there is not a shadow of a doubt in Ireland, and that is, that it having been arranged there should be a packet service at the port of Galway, and a communication by railway having been made to that port from other parts of Ireland on the faith of that arrangement, not to carry it out would be to inflict great injustice on Ireland. We have heard about an Irish port being made a port of call; but I beg to remind the House that if that be established as a permanent arrangement with the Liverpool vessels it will not give the benefit desired. You cannot take the goods in the first place. Large quantities of Irish linens are now carried by railway direct to the place of transhipment, but they will not go to Queenstown to be put on board vessels to which passengers are taken out in small boats. But, in addition to that, what are you to do with the emigrants? You cannot have them assembled at a port of call ready to embark by means of a river steamboat. There must be a vessel lying alongside a wharf for days and weeks before to enable them to complete their arrangements and embark from the shore. Although it is not material to the appointment of the Committee, I hope it will not lend any strength to the idea that a subsidy for a packet service will be worth anything which only provides for vessels to call at Queenstown. I believe that a packet service at Galway, by whatever company carried out, will be beneficial in the highest degree to every interest in Ireland. I believe that it will be found that this Company has been dealt with more hardly than any Company by the executive part of the Government, and that there are very fair grounds for reconsidering that opinion of the Government.

THE CHANCELLOR OF THE EXCHEQUER: The hon. and learned Gentleman has adverted in the latter portion of his speech to matters which are, undoubtedly, of great importance; but which, at the same time, do not fall within the immediate subject of debate. The special claim of Ireland for a packet service on account of her geographical position is material to be considered, but it is not proposed that it should be considered by the Committee which we are now asked to appoint, and it scarcely lies within the terms of the order of reference. Looking to the immediate object of the Committee, much irrelevant matter has been introduced into the debate, and I do not think the hon. and learned Gentleman is justified in the complaint which he has made against the Member for Montrose. My hon. Friend the Member for Montrose has spoken with great freedom upon what he believed to be the essential merits of this case, and has entered into the motives of public transactions. The hon. and learned Gentleman finds fault with him for entering upon subjects of that description on the eve of an inquiry which ought to partake of a judicial character. I agree with the hon. and learned Gentleman that great inconvenience arises from questions of this kind being sharply contested on the eve of inquiry. But we do not owe this inconvenience to the hon. Member for Montrose. We owe it, on the contrary, to my hon. Friend the Member for Galway, who, although he was perfectly aware the Committee was to be granted, has insisted upon entering into a controversy and impugning the whole conduct of the Government. Sensible of that inconvenience I will endeavour not to make addition to it, and in the few remarks which I shall have to make I shall not find it necessary to enter into those considerations which affect the peculiar position of this Company. I confess I should have been very glad if the hon. Member for Galway had abstained from an exciting discussion of the subject. But, as he has expressed his views very largely in connection with his Motion, it is necessary to enter into at least a qualified protest against certain of the principles he has laid down, to guard the House from assuming that, because the Government agree to the Motion, they accede to his general views more than is consistent with their duty. The hon. Member for Galway seems to me, without reference to this contract, or to Ireland, to have an idea of the nature of the packet service which is fundamentally erroneous. He has treated it throughout his speech as a matter of distribution of grace and favour; and, treating these subsidies as a matter of grace and favour, he is perfectly warranted in saying that grace and favour should be extended to one place in proportion as that grace and favour are extended to another place. But such a view is, in my opinion, pefectly destructive of public administration, and if adopted would open a fountain of political corruption so large and so foul that the corrupt transactions of former times would be eclipsed and forgotten. We have nothing to do with grace and favour in this matter, and if we had, most mischievous would be the results. Again, my hon. Friend complains of the severity of the conditions of the Galway contract compared with the lightness of the conditions of the Cunard contract; but he forgets that those who complain of the Galway contract as a serious error are, likewise, the persons who hold that the prolongation or renewal of the Cunard contract was an error not second in amount to the error committed in making the Galway contract. The general view on which I hope the Government always has and will proceed is that we are not to regard these contracts as favours conferred on one part of the country or the other, but that the whole question is what service is necessary for the country as a whole, and what is a just remuneration to be given for that service? I do not wish to exclude the peculiar considerations of equity which may bear upon this case, but I take the liberty of laying down that general principle in opposition to the general principle contended for by the hon. Gentleman. I do not think that in the particular demand which he makes he has been just to the Postmaster General. One, I think, was an extravagant demand. If I understood him right, he contended that it was unreasonable to subject the *Adriatic* to a survey; that she was a fine vessel, and had been employed in service of this description, and that the Postmaster General ought not to have subjected her to a survey. The House must recollect that since the time of the *Adriatic* performing service, from either some particular cause or general wear and tear, she may have ceased to be in a condition to perform service; and, if the Postmaster General had taken such a course as to exempt the *Adriatic* from survey, I think he would have deserved the reprobation of all who care for the public administration. Again, the hon. Gentleman complains that all concessions granted by the Postmaster General have been paid for. That is not the case, and the hon. and learned Gentleman is, also, in error in that respect. On the contrary, the Postmaster General has stated in a letter which has been laid on the table of the House, although it is not, unfortunately, in the hands of Members, that no penalty was imposed when the *Parana* was permitted to take the mails, and that no penalties were levied on the many occasions when the Company failed to provide a packet for the mail service at the appointed date. Again, with regard to the *Parana* being refused, the hon. Gentleman seems to think that there is no obligation on the Company to perform the voyage between Galway and Newfoundland in a period of six days, and that the whole question is, not the service between Galway and Newfoundland, but between Galway and Boston. On the contrary, the whole question is the service between Galway and Newfoundland. The best case for the Galway contract is that the service was appointed in order to take advantage of the position of Ireland to make the quickest possible passage between Great Britain and the nearest point having telegraphic communication with America—that is to say, between Galway and St. John's. The hon. Gentleman admits that the *Parana* is not fitted to perform the service between Galway and St. John's in six days; the Postmaster General says the refusal of the *Parana* was fully warranted by her previous performances in the service of another Company, and by her being on one voyage, when permitted to be used by this Company, one day and five hours, and on another voyage one day and thirteen hours, behind time. The hon. Gentleman said, with considerable truth, that the important point in this case is the question which was raised by him, and stated strongly by the learned Gentleman opposite, with respect to the loss of time and the peculiar position of the country in the interval between the period when the contract was brought under the special notice of the House and the period when it received the final sanction of Parliament; but I cannot say that the statement of the Directors or of the hon. Gentleman is fair or just. I understand the case which the Company now puts forward to be, that they would have been justified in asking for a postponement of the time for the commencement of the service, and I observe that there is a disposition to insinuate that such a request was actually made and refused. Now, as my hon. Friend the Member for Galway said very truly, this is the point of the whole case. My hon. Friend stated that the Company were told at the Treasury that they must commence the service at once, but, on my making a gesture of surprise, he added that they had no record in writing of that representation. I must say that if a representation of so vital a character was made to the Company it is very unfortunate that they did not obtain some evidence of it in writing. I do not, however, believe that any such representation was made by the Treasury. The Company alleges that it was urged on them that the commencement of the service at the time stipulated was an indispensable condition, and that any shortcoming in that respect would justify the opponents of the measure in calling upon the Government to terminate the contract. The Postmaster General has, however, explicitly denied that any pressure was employed to induce the Company to commence the service. If that fact can be substantiated, I admit that it is very material; but it is entirely unknown to the Government, and no evidence of it has yet been produced. That will be one of the points, of course, into which the Committee will inquire. I cannot separate the conduct of my noble Friend the Postmaster General from that of the Government, because in the course he followed he was not without the concurrence of his colleagues. My hon. Friend the Member for Galway was entirely mistaken as to the circumstances connected with the proposed inquiry into the conduct of the Crimean war. I certainly do not for a moment question the right of the House, through their Committees, to examine, and if they see fit, to censure the conduct of the Postmaster General or the Government. What I maintain is that it has not been the intention of the Government to treat the Galway Company with anything except justice and liberality. What are the facts of the case? The Company began the service without any request for a postponement beyond the time which had been fixed. They received, in the first place, the indulgence without the exaction of any penalty of sending inadequate instead of adequate vessels. Next they received the indulgence of substituting a monthly for a fortnightly service; and when in October they requested the postponement of the service altogether, the fresh indulgence was granted to them of the postponement till March. It is true that the agreement under which that postponement was finally conceded was not signed till January, but that arose only from the unwillingness of the Company to accede to the conditions of the agreement. The intention of the Government has been that we should make every concession to the Company that could be fairly granted, that we should forget all that was faulty or questionable in the formation or original terms of the contract; that we should take no cognizance of the Company having been unfit to enter into the undertaking, but look simply to this, whether the contract could be fulfilled; but that if any question of default arose it should be ruled rather in favour of the Company than against it. We have carried out those intentions, and have given to the Galway Company, at least, as much indulgence as to any other, and perhaps even a little more. We put an end to the contract only because it was our conscientious belief that, after so much and such varied indulgence had been granted, any further relaxation would destroy our power and standing ground for the future, and would effectually prevent us from at any time enforcing the conditions of the contract at all. As my hon. Friend the Member for Montrose has said, I can conceive nothing more mischievous than a large extension of the practice of concessions by the Government in regard to these contracts. Only consider the power which it puts into the hands of the Government of trafficking for political influence in particular districts of the kingdom, and you must see how intolerable the system would become if the Executive were to be allowed unlimited licence in casting away the guarantees by which the public value of these contracts is defended. I hope in the remarks I have made I have said nothing to exasperate or inflame the controversy. We are anxious that the question should be tried in a spirit of perfect impartiality and fairness, and any mixture of passion in our preliminary discussion would afford a bad precedent to the Committee. I trust that the Committee will approach the task in a calm and judicial manner; and, if they do, I am confident that the result will be satisfactory to the House and the country.

LORD DUNKELLIN said, he rejoiced to hear the right hon. Gentleman the Chancellor of the Exchequer lay down the proposition that mercantile arrangements should not be regarded as matters of grace and favour, but should stand upon their own merits, that the value of the services rendered should be fairly and fully weighed, and that ample recompense should be bestowed. He was also glad to hear the right hon. Gentleman admit that it was but just that the claims of Ireland to a share in the large subsidies granted to ports and packet services in other parts of the United Kingdom should be considered. It appeared to him that the hon. Member for Montrose had not responded to the appeal of his hon. Friend the Member for Galway to deal with the question in a spirit of fairness and impartiality. He acknowledged the right of any Member of the House to discuss the subject in all its bearings, but he complained that the hon. Member for Montrose had overstepped the limits of fair discussion when in the presence of those from among whom the members of the Committee would be chosen he stigmatized the Galway Company as a "commercial sham." That was a very ugly word to use, even when supported by the very best authority, and it was surely unjustifiable when founded upon no better evidence than that which the hon. Gentleman had produced. Indeed, the very facts cited by the hon. Member showed that there was more of reality than "sham" about the Company. They had not only conducted the service up to the present time, but they were prepared, under certain arrangements, to continue it. As to the *Hibernia*, he contended that the Government surveyor who passed that vessel, and not the Company, was responsible for the mishaps which had attended her voyage. He held also that the Company were not to blame for the fate of the *Columbia*. He did not deny that there had been defaults in some instances on the part of the Company, but he maintained that they had been treated with unnecessary harshness. It was true that on the 1st of June the Company were bound to have a certain number of ships ready, and that these were not ready by the time fixed. But why were they not ready? Doubt hung over the completion of the contract and its sanction by that House, and that doubt influenced considerably the transactions of the Company. Then it was said that ships had been allowed to go to sea which were not within the terms of the contract; but were not fines imposed in those cases? He quite allowed that payment should be made only for each voyage that was properly completed, but there should be something like fair and equitable dealing towards the Company. It was alleged that there was here a waste of public money, for which no equivalent had been received; but when hon. Gentlemen complained that money had been thrown away on the Company, they should recollect that scarcely two years ago they had voted £36,000 as a subsidy to the Red Sea Telegraph, along which a single message had never passed from end to end, and yet the present Government felt it necessary to come down to the House, and, on the ground of keeping the pledge which had been made to the Red Sea Telegraph Company, to saddle the country with the payment of £36,000 a year for fifty years to come. There were two ways of looking at the act of the Cabinet; the one in a commercial light, the other as affecting the country with which he was connected. Now, although the blow was struck at the Company on the ground that it was a mercantile association which had failed to carry out strictly the arrangements into which it had entered, yet it should have been remembered by the Government that that association represented the interests, the wishes, the hopes, and the desires of the people of Ireland; and when the contract was terminated there was not a hint, not a whisper, that any undertaking of a similar nature would be agreed to in respect of the country which had been so suddenly deprived of the advantage of that service, and which it had a right to expect it would continue to enjoy. He would ask the House to direct that an inquiry should take place into the precise cause which induced the Postmaster General to cancel the contract; because, on referring to the printed papers, he found that the Company's vessels had upon the whole kept their engagements more accurately than was generally believed. And he further hoped the Committee would inquire why the noble Lord was so anxious for fixing the month of March last for the renewal of the service which had been suspended by consent of both parties in November. Was it in consequence of certain events which had taken place in the States of North America and our American provinces? If so why was the noble Lord so eager to put an end to it in the month of May, when affairs in that part of the world were in at least as critical, and to us, as interesting a condition, and rapid communication of intelligence equally important? No doubt the Committee would think it their duty to investigate all matters in connection with the Government sending out despatches to Newfoundland, and to see that such an advantage to Ireland was not done away with upon a shadowy pretext of one or two ships being a few hours late at their destination. He could not believe that the proceedings of the Postmaster General were fair towards the mercantile classes in England or Ireland, and he would appeal to the noble Lord at the head of the Government to do justice to that part of the kingdom with which he (Lord Dunkellin) was more particularly associated. He could assure the noble Lord that the act of the Postmaster General was one which had spread dismay throughout all classes of the people of Ireland. The shareholders were threatened with serious loss, the merchants believed they would be deprived of the means of rapid communication with America, the supporters of the noble Lord's policy were grieved at the belief which this act occasioned—namely, that the present Ministry were unwilling to confer upon Ireland an advantage to which it was justly entitled. The people of Ireland had felt that a debt of gratitude was due to the Earl of Derby for granting the subsidy. The Government of that noble Earl felt, and felt rightly, that it was time something should be done for Ireland, with a view to increase her prosperity and to develope her wealth, and hence they granted that subsidy, which was a practical step, and one which could not fail to encourage her industry and promote her commerce. When upon the hustings at the last general election he had ventured to tell his constituents that the Liberal party, if in office, would show the same spirit of liberality and of justice towards Ireland. After two years, however, the subsidy had been withdrawn, and the noble Lord at the head of the Government would see how difficult it was, under such circumstances, to maintain the superiority of the Liberal party in Ireland. There was a period when the Liberal party and Ireland were identical in interest, and when a Whig Government enjoyed the support of all the Irish representatives; but now it was difficult for the present Government to calculate on the confidence of the Irish Members, and they were divided into numerous small parties, the cause being that the Government were careless about the interests of that country, and showed themselves little anxious to consult the wishes of her people. It was to be supposed that, before putting an end to this contract, the Cabinet would have gone for information as to the feelings of the Irish people on this matter to his noble Friend the Lord Lieutenant of Ireland; but, in answer to the statements of a deputation that waited on him, his noble Friend said he was debarred from entering into the question on the distinct ground that he had not been informed of the arguments on the other side. He had been astonished to hear the noble Lord the Member for the City of London state that he had the other night felt it his duty to allow no time to go by without explaining his conduct in consequence—of what? Of anything which had been said by any Member of that House? —no, in consequence of an anonymous article which had appeared in a newspaper. A great deal had been said about the connection of Government with an anonymous press; but that connection had never before appeared in such a strong light. It would have been better if the noble Lord, instead of paying deference to an article in a daily paper, had a little consulted the feelings of Gentlemen whose honour was as sensitive as that of Ministers of the Crown. The noble Lord had also referred to Father Daly as a gentleman apparently authorized to act on the part of the Irish Members; but when doing so he must have forgotten that both by Mr. Daly and by the noble Lord at the head of the Government it had been stated that the noble Lord had refused to look upon Mr. Daly as authorized or accredited by the Irish Members. He believed that the whole matter was now cleared up, and that it was thoroughly ascertained that there had been no bargain or promise whatever. For himself, he must say that until three days after the occurrence referred to he had not seen Father Daly for months. He was glad that the Committee had been granted, and he had every confidence that its decision would be one which would authorize the Government to entertain some scheme which would make Ireland a terminus of Transatlantic communication.

MR. HENNESSY said, the noble Lord the Foreign Secretary, confining himself to a collateral portion of the question, had not only defended the Government, but also the Irish Members, from what he called a gross calumny. He could not, however, agree with the noble Lord that if the Irish Members had upon a vote of confidence voted against the Government on account of their conduct with regard to the Galway contract they would have acted wrongly. There were many precedents for the adoption of such a course. The late Mr. Wilson, on a vote of confidence, spoke and voted against the Earl of Derby's Government because they had given the Galway contract to Ireland; and in discussing the Reform Bill of that Government the noble Lord at the head of the Government referred to their Indian policy, and made it one ground for his vote, while the noble Lord the Member for the City of London criticised the foreign policy of Lord Malmesbury. He had no doubt that many Irish Members who voted against the Government were influenced to only a small extent by their conduct with regard to this contract; but it was the last straw which broke the camel's back, and the whole policy of the Government with reference to Irish interests and the management of Irish business had been so unsatisfactory that Irish Members would neglect the interests of their constituents if they did not take the earliest opportunity of turning the Ministry out of office. There was not a single Irishman in the Cabinet, nor a single Irish officer upon the Treasury bench; and the Chief Secretary for Ireland was so totally ignorant of the country which he had to govern that all the Irish Bills had been referred to Select Committees. Under such circumstances it was not extraordinary that Irish Gentlemen should have made the question a question of confidence. He was present on a recent occasion when a Vote of £120,000 was taken for the Volunteers. Some exceptions were taken to that Vote, but not by Irish Members; yet Ireland had to contribute to that large sum, while it did not receive the slightest direct benefit from it, as the Government had refused to allow any Volunteer corps to be formed in Ireland. Considering how Irish measures were dealt with it was not surprising that many Irish Members should begin to think of transferring their allegiance to the party that knew something about Ireland, and whose policy to that country had been fair and generous. As long ago as 1847 that party proposed to assist the distress of Ireland by large advances of public money for the construction of railroads. A notion had got abroad, and prevailed to some extent in that House, that Members ought to vote on a question simply on its merits, without reference to the general conduct of the Government. He hoped that notion would not spread, particularly among the Irish Members. There had been an elaborate discussion of the difficulties of the Galway Company; the hon. Member for Montrose (Mr. Baxter) gave the House a history of all the accidents that had happened to its vessels; but he had had placed in his hands an interesting paper that might afford some information to the hon. Member for Montrose, and, perhaps, to the Government itself. It was a statement of the casualties of all the companies sending steamers across the Atlantic during the period covered by the Galway contract. It appeared from this statement that Allan's Liverpool and Montreal Canadian line, receiving a subsidy of £80,000 a year from the Canadian Government, lost the *Canada* in 1859; in the same year the *Hungarian* was lost, and 120 lives with her; in 1860, the *Indian* was lost, with 27 lives. Of that Company's ships three were lost, and one, the *Hibernia,* had to put back. Of the Galway Company not one vessel was actually lost, nor one life. The statement for the Cunard line was equally interesting. In the years 1859 and 1860 the *Columbia* was lost; the *Australasian* put back, nearly lost; the *Arabia* came into collision off Newfoundland with another ship of the same Company; the *Arcadia* struck on Cape Race; the *Hibernia* struck near Halifax; the *Africa* struck on Copeland Islands, near Belfast; the *Cambria* struck on Cape Codd, near Boston; the *Niagara* was ashore at the entrance of Cork Harbour, and not being able to proceed to Boston, was replaced by the *America;* the *Canada* struck on an iceberg, and put into Boston for repairs; the *Persia* was reported as having struck on an iceberg, and proceeding across the ocean with a quantity of water in her hold; the *Arabia* ran on shore on Seal Island. Of Inman's Liverpool and Philadelphia line, in 1859 the *City of Glasgow* was lost, and 420 persons perished; the *City of Philadelphia* was lost; the *City of Edinburgh* was nearly lost; the *City of New York* was lost; the *City of Baltimore* was nearly lost. It was fairly said that these were all accidents; might not the same be as fairly said of the casualties of the Galway line? When it had not actually lost one vessel nor a single life, was not the statement of the hon. Member for Montrose onesided? Was it a fair statement? But the opposition to the Galway line in that House had been, and still was, tremendous; it arose not only from national but commercial jealousy. It appeared that the average number of passengers per voyage carried across the Atlantic by Allan's line for one year was 84; by Inman's line, 116; while the average number taken by the Galway line was 404. That startled the other companies; they found that the Irish line was taking away a great portion of their passenger traffic; they, therefore, brought a pressure to bear on their friends in the House and in the press, and the opinion was spread that the Galway line was a failure, when in one important branch of their business it had beaten them hollow. The hon. Member for Montrose might be consistent in his opposition to the Galway Company; he said he was as much opposed to the Government aid given to the Cunard line. But last year a division was taken against the Cunard subsidy, and neither the hon. Member for Montrose nor the right hon. Member for Kilmarnock (Mr. E. P. Bouverie), nor many other opponents of the Galway line, opposed the grant to the Cunard Company. The Irish Members who voted against the paper duty, on account of the conduct of the Government as to the Galway contract, had been charged by Lord Brougham with voting from corrupt motives. But some hon. Members sitting behind the Government, in the discussions on the paper duty, plainly avowed they had a large personal interest in the question. He did not say that hon. Members were wrong in defending their own interests; but, while they found Members who supported the Government taking this course uncensured, those who defended a national interest were charged with corruption. Had he been a supporter of the Government he should have voted against it on the Budget, on account of its conduct with respect to the Galway contract; he believed those who voted against the Government on that occasion did their duty to their constituents. It was a mistake to imagine that the Galway contract was exclusively an Irish question. He did not advocate the continuance of the Galway postal service from an Irish point of view merely. When lately in France, several mercantile men, and one gentleman especially, who was at the head of the political economists, gave it as his opinion that the Galway line was of great importance to continental and to European interests generally. The real point—namely, that the present Government since their accession to office had done everything to thwart and hamper the efforts of the Directors—had been lost sight of in the speeches from the Treasury bench. As he had said it was made one of the grounds of the vote of want of confidence in the Earl of Derby's Ministry by the late Mr. John Wilson that they had entered into this contract; and it was well known that he and the right hon. Gentleman the Chancellor of the Exchequer took office with a feeling of hostility to the Company. He alleged distinctly that the Government had practically broken the contract; they kept its existence in jeopardy for months, and after the Committee had reported they still declined to give the shareholders any idea what course they would pursue. In doing that they forgot their plain duty, which was to lay aside their prejudices against the Company, and what he was sorry to think prevailed still more strongly—their prejudices against Ireland. Their duty was, not to throw obstacles in the way of the Directors, but frankly to accept the legacy bequeathed by their predecessors, and to extend to the Company every fair consideration.

Mr. CLAY said, that in the few words he had to address to the House he would not forget that they were not in Committee up stairs investigating the facts of the case. Some statements had been made by the hon. Member for Montrose which it would have been well had he abstained from making; but, as they had been made, it was only fair to the Company that they should not go forth to the public without qualification. The hon. Member had disposed in a summary way of the solvency of that unfortunate Company, and then had proceeded to damage the reputation of the builders of the ships by stating that the vessels were unsafe and unseaworthy, and that scarcely any one who set any value on his life would trust himself to one of them. He (Mr. Clay) could not speak of all the ships, but he could of two of them. All the vessels were built in accordance with Admiralty specifications, and in the cases of the *Columbia* and the *Anglia* the builders, considering those specifications did not provide for sufficient strength, asked for and obtained from the Company permission to give additional strength at a consequent additional expense. The *Columbia*, which had been so summarily disposed of by the hon. Member for Montrose, had first been knocked about by icebergs, which damaged her hull, and then she ran ashore on Boston Bar, which made a hole in her bottom. She, nevertheless, returned safely to Galway, and thence proceeded to Liverpool, a distance of 530 miles, in thirty-seven hours where she was surveyed. It was found that her bearings had never heated, that her engines were quite unstrained, and that the only damaged she had received was external. Subsequently, by some carelessness—he trusted it was nothing worse—the vessel slipped off the blocks and fell on her bilge, knocking some dozen holes in her hull, but, notwithstanding that severe trial, she remained perfectly unstrained. The *Anglia* had not yet been to sea, but he had no doubt that when she did she would be found as strong as, and, he hoped, more lucky than, her sister ship. With respect to the subject before the House, he was glad the Government had consented to the Committee, because it would enable the House to decide between the conflicting statements that had been made. For himself, he would like to know whether Ireland had not been rather misled in believing that her prosperity was bound up in the continuance of this Galway contract. He did not mean thereby to say whether or not Galway should be the terminus of the great western communication, but whether that communication might not be better supplied by a more strong-backed company. He repeated his satisfaction that the Government had agreed to the Committee, and still more at the fair issue which had been stated by the right hon. Gentleman the Chancellor of the Exchequer, whether the Company had received as much, or more indulgence than had been granted to other companies.

Mr. BLAKE accepted the decision of Government to grant the Committee as some atonement for their unjust and ill-judged proceeding in annulling the contract. The hostility they appeared to feel towards the Atlantic Company was extraordinary. When they succeeded to office, the very first act of their new-born power was an effort to take away the subsidy, and ultimately, in what seemed to be their death struggle, they returned to the charge with greater animosity than ever. Their conduct towards Ireland in the matter was at once impolitic and unjust, and the Irish people could only regard it as emanating from a desire to crush an enterprise which promised to be productive of great future advantage to the country. They had it, however, still in their power to remove that impression, and he trusted they would do so. As nearly every one of the statements of the hon. Member for Montrose would be proved to be utterly groundless when the matter came before the Committee, he would not trespass on the House by dwelling on them further than to refute some assertions which would not come within the province of the Committee to enquire particularly into, and which, if left uncontradicted, might do serious injury to the undertaking. The hon. Member had spoken of the directory as if it had remained unchanged; that they were not in a position to carry on the undertaking, even if an extension of time were granted, and that they had only one ship fit for the service. As to the former Directors, he was not one of those who joined in unmeasured condemnation of them. They had, probably acting from the best of motives, committed some mistakes, but they had great difficulties to contend against, and deserved praise for the manner in which they had surmounted them; but if their continuance in office was an objection, it could no longer be urged, as, with only one exception, the entire of the old Board had been replaced, and the constitution of the new one was such as to give the utmost confidence. The chairman occupied a foremost place amongst the great merchants of the empire. He was a man of the highest character for ability and integrity, and in addition to other very extensive mercantile avocations, owned more steamboats than any other man alive; and though he took up the Atlantic Company more for the patriotic motive of preserving the subsidy for the benefit of the country than for any object of personal gain, still he would not be likely to connect himself with anything which he did not think would prove a success ; and his taking the chairmanship of the company proved he thought so, and, from his superior sagacity, was calculated to inspire others with the same feeling. The vice-chairman, a Member of the House of Commons, belonged to one of the most extensive monetary firms in England, and another of the directors was one of the chief steamboat proprietors in London ; indeed, every one of them were men of position, character, and means, and nearly all had joined the Board within a short time, which proved that when things were supposed to look most serious for the concern, they believed it could be worked up again. Now, as to their ships, they had in the first place the *Adriatic*, the finest ocean steamer in the world—next to the *Great Eastern.* The *Anglia*, another splendid boat, was just launched. These two could at once go on with the service ; and within a very short time the *Hibernia* and *Columbia* could take their turn. And as to the Company not being able to perform the contract, if the Government had not taken an advantage of them, they would have done so ; and if they only got another chance and fair play, he had no doubt everything would go on well. The hon. Member for Hull had expressed surprise that Ireland should attach so much importance to the retention of so small a sum as £72,000, and asked if the Irish people considered the loss or gain of the subsidy was wound up with their prosperity. He was sorry and ashamed to tell him that it was a matter of importance to the country to preserve that paltry sum to promote an undertaking which they believed would tend to their commercial advantage ; and it was the only return they unitedly asked for out of the large sum they contributed to the British Exchequer ; for since the unfortunate hour they had given up legislating for themselves, it was the only money given to promote Irish enterprise. He did not join with the Members who made such a tremendous complaint against Government, for having so little of the Irish element on the Treasury benches, as he never saw any benefit result to the country when they got there ; and he could assure the Government that the Irish people would be better pleased to have one good measure passed for the country—like the granting of the Galway subsidy—than if the whole Treasury bench was occupied by Irish Members. And if the latter thought the fact of having Irishmen in the administration was of such great importance, they ought to be satisfied that the want of quantity was made up by the quality, as he believed, if it was any benefit to them, they might claim the noble Lord at the head of the Cabinet as a countryman. He did not know whether the Premier had drawn his first breath in Ireland ; but from the unmistakeable signs he sometimes showed of having Irish propensities, he would venture to say, if he might be excused the bull, that if he was not born in Ireland he was born out of his native land. An hon. Member who had just sat down was, he thought, rather too severe on the Chief Secretary. He was not a supporter of the right hon. Gentleman's Government, and, therefore, had no object, beyond a sense of justice, in saying what he was about to do. He believed there were few who took a more active part in Irish matters than he did, or troubled the Chief Secretary more frequently on such subjects, and he must say that he always found him most courteous—willing to listen to his suggestions, and anxious to do what he thought right, and singularly well informed about Ireland. So far from its being a reproach to the right hon. Gentleman for being willing to leave matters to Select Committees, he thought it reflected credit on him, as it showed a desire not to force his views on the House, but to have them discussed first and reported on by a Committee of Irish Members taken from both sides of the House. In conclusion, he again expressed his satisfaction at the wise course the Government adopted regarding the Committee. He had every confidence the latter would report in favour of some little indulgence to the Company, in the way of an extension of time, to which, he trusted, Government would unhesitatingly consent ; and the result would be to secure to the kingdom great postal convenience, place the Company in a more favourable position than it had stood before, and enable Ireland to develop some of the advantages that ought to result from her geographical position.

Colonel FRENCH said, he did not agree with those hon. Members who had so lavishly bestowed their thanks on Her Majesty's Government for acceding to the appointment of a Committee. He believed that when the subject was first broached they were prepared to refuse a Committee; but since that time they had observed the temper of the House, and they were not able to refuse it. He hoped Members of the Committee would not think that they were merely trying the issue suggested by the right hon. Gentleman the Chancellor of the Exchequer—namely, whether the Postmaster General had treated the company with less or more favour than was usual. There was a grave charge made against Her Majesty's Government, which was that they had been hostile to the Company from the first, that they had given all the underhand opposition in their power to prevent its being carried on satisfactorily for the purpose of discrediting the Government by whom the subsidy was granted ; and it was also charged that, in that disposition, the Government had been most ably supported by the Postmaster General, whoever he might be. No matter whether the Postmaster was changed or not, the underlings carried out the wish of Her Majesty's Government in endeavouring to support the assertion that this subsidy was a job on the part of the Government of the Earl of Derby. The present Government had to explain why the subsidy had been sanctioned by Parliament, they had deprived the Company of the fourteen months given to them by the contract for preparing their ships, why they had in an arbitrary and illegal manner taken from them the colonial subsidy of £12,000 a year ; and, also, to account for the reasons which induced their own officers to approve of vessels they now allege not to be of sufficient strength for transatlantic voyages, and for which the Company was forced, under the sanction and approval of the Government surveyor, to pay the contractors for. These were matters to which the Committee would have to give its attention, with a view of seeing whether there were facts to sustain those charges. In reference to a question put by him to the Chancellor of the Exchequer at an earlier period of the evening, he might mention that he was in possession of the fact that a gentleman, who was considered the most eminent counsel in Europe on contracts, had given it as his opinion that no such power as that of annulling the contract in the manner he had done was vested in the Postmaster General, and that the act was wholly and totally illegal.

Lord NAAS said, that before the discussion closed, he was anxious of saying a few words on the question. He took the credit—if credit it were—of being the first person who ever wrote a letter to any one connected with the Executive on this subject of transatlantic communication. So long ago as the month of September, 1858, he brought it under the notice of the Government, and stated his opinion that it was a scheme which ought to be supported in every possible way. He had listened with great pain to some of the proceedings of that evening. He was aware of the very great difficulties under which the Company, even from the commencement, had laboured—that they had encountered obstacles such as, perhaps, had never been placed in the way of any other company. When the intention of the Earl of Derby's Government became known, and before the contract was declared, an organized opposition was given to the Company from various quarters, and that opposition had never ceased its operations from that time to that moment. Indeed, it had been visible that night in the House, and he feared that it was not intended that it should cease if the final destruction of the scheme could be accomplished. Nobody could doubt that the establishment of this service had created a greater amount of interest in Ireland than anything had done for a great number of years ; at the same time it was a mistake to suppose that the people of Ireland looked upon the estalishment of this transatlantic communication as a panacea for all their ills. What they thought was, that the scheme gave practical effect, for the first time, to what they had for many years considered to be one of the great advantages of the geographical position of Ireland. There could be no doubt whatever of the Imperial advantages of this undertaking. It had been stated that evening that no public advantage had as yet been derived from it. That was an unfair statement, because, from circumstances to which he should allude, the Company had never been in a position to realize those objects for which they were established. But, leaving Irish interests out of sight, what advantages did the British public enjoy from a mail contract with America *viâ* Galway? The American mail *viâ* Liverpool left London at nine o'clock in the evening—generally on a Saturday. The average time of starting from Liverpool was one o'clock the next day. The American mail *viâ* Galway left London at the same hour; and the steamer containing the letters would be steaming down Galway Bay at the same time as that at which the mail would be leaving the Mersey; thus the mail by Galway would have about thirty hours' start of the other. That was no mean advantage. But the advantage of the Galway route, in respect to telegraphic communication, could not be overrated. If the Company were allowed to carry on the service, which he believed they were prepared to do in a very short time, they would have again of eight hours in the transmission of a telegram and the receipt of its answer. The telegrams would be sent to St. John's to meet the steamer there, and four days would be saved on the passage home, and, of course, four days more in answering the message. That was an advantage of the greatest possible importance. In discussing the subject it should not be treated altogether as an Irish one. It was said that the contract was originally granted for Irish purposes and for Irish purposes alone. It was no such thing. The benefits offered to the public by this line were Imperial as well as Irish. The question could not be too often asked—What was the real reason why the Company had, to a certain extent, failed to meet their engagements? They were at first placed in a position that hardly any company were ever placed in before. The payment of their contract was distinctly, from the first, made subject to Parliamentary revision, and advantage was immediately taken of that circumstance by the opponents of the scheme. It was said that their contract was dependent on the vote of Parliament, and that the power of Parliament was likely to be exercised against them when the matter came on for discussion. That commenced an agitation, which went on for a considerable period, and led to the appointment of a Committee of that House. And here he must say it was a great pity that at the time the question was first brought before the public the present Government did not take up a decided position, and state whether they meant to stand by the contract or not. Such a course would have been better not only for the Company, but for the public generally and the particular interests in Ireland that were concerned in the matter. Instead of that, however, the Government eagerly accepted the proposal for a Select Committee, the effect of which was to hang up the question for many months, and to paralyze in a great measure the action of the Directors in appealing to the shareholders or the public to support their enterprise. Consequently, from July, 1859, to August, 1860, the business was practically, for all commercial purposes, in abeyance, and the contract ought in reality to be dated, not from April, 1859, but from August, 1860, the time when the decision of the House was finally arrived at, and when, therefore, the Directors were able to say that the question being settled they intended to go on. The Company, being under strict conditions, could not have made such a proposal to the Government, lest advantage of it might have been taken to terminate their contract altogether; but that contract could, in justice, be regarded as unfulfilled only since August, 1860. The original term given for its completion was fourteen months; and if the Government had been determined to deal fairly by the Company they should have taken all the circumstances into consideration, and allowed them fourteen months from August last. It was true that indulgences had, to a certain extent, been granted to the Company, but they were not greater than had been repeatedly granted to other companies in similar cases. There was the instance of the Royal Mail Steam Packet Company, now so admirably performing the service to the West Indies, for which it received a very large yearly subsidy. When that Company was established in 1840, nearly two years was given them to commence their service. At the conclusion of that period they went to the Government and said they were unable to carry on their contract, and their allowance was raised from 7*s.* to 9*s.* 10*d.* per mile, as well as other indulgences extended to them. The contract was not put up to public competition, but given to a Company which the Government thought willing and equal to carry a great project into effect. The consequence was that a valuable and important service had been created, which, whatever opinions might be entertained as to the amount of the subsidy paid for it, was indispensable to the trade and commerce of the country. Now, the Government had taken a most extraordinary course, even within the last few days, with regard to the question before the House. They had in a sudden and very harsh manner terminated the Galway contract, and yet they had announced their intention to grant a Committee to inquire into the reasons that had induced them to do so. The Prime Minister the other night told them that the decision come to was the decision, not of the Postmaster General alone, but of the

Cabinet. If that were so, why did the Government now propose that a question which had been solemnly settled by the whole Cabinet should be re-opened by a Select Committee? Of course those who supported the Galway line could not object to the Committee; but for the Government to agree to it was a clear admission that they had doubts as to the correctness of their decision, and that it had been arrived at without due consideration. Was it possible that a Committee of that House could afford the Government any information of which they were not in full possession when they came to their late determination? He presumed that the Committee's principal duty would be to hear from the Government their defence of the step they had taken; but it would surely be fairer and more creditable if that defence were made in the House, and if they were prepared to stand by their own decision. He wished to know, however, whether the Government meant to hold themselves bound by the judgment of the Committee? If not, the inquiry would come to nothing. In the other alternative, they would take a course never followed by any previous Government. Indeed, the entire proceedings connected with that contract were from beginning to end without Parliamentary precedent. A very general impression prevailed that the present Government had never had any fixed determination on that question, but had from the outset played fast and loose with it, avoiding as much as possible to come to any decision on any single point with reference to it, and desiring to throw the responsibility of continuing or putting an end to the contract on other shoulders than their own. The position in which the Lord Lieutenant of Ireland had been placed in this matter struck him as very peculiar. The contract was terminated, he thought, on the 15th of May, and on the 24th of May a deputation waited on the Viceroy of Ireland to elicit some expression of his opinion on the subject. Very strong statements were made to his Excellency as to the undesirableness of withdrawing the contract, and the Earl of Carlisle's answer to the deputation was very remarkable. His Excellency said he should most sincerely regret the final disappointment of the hopes which had given birth to that contract, and he afterwards went on to mention that he had not been made acquainted, accurately or in detail, with the arguments advanced on the other side of the question. From that it was plain that the Earl of Carlisle was not made aware of the considerations which had actuated the Government in their decision, and that, moreover, he was no participator whatever in that decision. Now, it was generally supposed that the Lord Lieutenant of Ireland was a Minister of first-rate importance, responsible to his Sovereign and the public for all matters connected with the interests of the country committed to his charge, and that, for all purposes of administration, he ought to be regarded more in the light of a Secretary of State than any other functionary of the Government on this side of the water. It was strange that on a question so deeply affecting the people of Ireland, the head of the Irish department of the Government should have been kept in total ignorance as to what the decision of the Government was. That was calculated to raise in many minds a grave question as to the necessity of such a functionary as the Lord Lieutenant. People would ask, what was the use of having a Lord Lieutenant in Ireland at all if this was the course taken with regard to him by the Government? He was one of those who had always thought that, whatever objections might be stated to the office of Lord Lieutenant, the system of viceroyalty had, on the whole, worked smoothly and well. More than that, he thought it was grateful to the feelings of the Irish people, as they looked to the Lord Lieutenant as a direct representative of their Sovereign, and he did not think that any change in the system should be rashly made; but if such a course of proceeding as the Government had followed in that instance went on, the question, he feared, would assume another form. One of the arguments in favour of the Lord Lieutenancy was, that a nobleman of high position, and who was in close communication with the Government, was led to reside constantly in the country, and he was bound to say that he thought the noble Lord who now held that distinguished office had shown great capacity, great knowledge, and extended experience of the country. The noble Lord had been connected officially with Ireland for twelve or fourteen years, and he could not conceive that one who had been so long in the country could be without knowledge and experience of the feelings of the people. He was not very sanguine as to the results of the appointment of the Committee, but whether it reported in favour of the Galway contract or not, no one who looked at the map could doubt that, one day or other, the people of this country would insist upon some port in Ireland being made the medium of communication with America, and that the Government had acted unwisely in carrying on an unremitting hostility to a scheme that would be beneficial, not to Ireland only, but to the commerce of the whole country.

MR. CARDWELL: I rise to correct a misunderstanding into which my noble Friend who has just spoken has fallen with regard to the Lord Lieutenant of Ireland. My noble Friend read correctly the words employed by the Lord Lieutenant, but those words by no means bear out the statement that the conclusion at which the Government had arrived on this question was not made known to him. They only state that the grounds on which the department of the Government intrusted with this matter, and afterwards the Government itself, had come to the decision at which they arrived, were not communicated in detail to my noble Friend, and that he was not invited to express his opinion upon it. I have no objection to say that it was not intended such should be the case—it was not intended that my noble Friend the Lord Lieutenant should be a party to the decision of the Government. My noble Friend opposite considered that this was not a departmental question, that it was altogether an Imperial question, and not one of a purely Irish character. I concur in all that fell from my noble Friend on this subject. This was an Imperial question, that fell to be decided by the Imperial Government. It was not whether it was due to the geographical position of Ireland that a port of Ireland should be made the port of communication with America. It was not whether the interests of Ireland required that this should be the case. It was not whether the expectations of the Irish people had been or had not been justly raised with regard to such a scheme. It was not even whether the interests of Ireland or of the United Kingdom were to be considered with reference to the establishment of postal communication. But the question was whether the department concerned, and the collective Government of the Queen were not called upon by a regard to their duty, to the House, and the country to terminate the contract with this particular Company? That is the question which it was the duty of the department concerned, and of the Government here to act upon on their own responsibility, and they were not entitled to call upon my noble Friend to share a responsibility which did not belong to him. My noble Friend was not kept in ignorance of what did take place, only the grounds on which the contract was terminated were not communicated to him. I rejoice that this Committee is to be appointed; and if the Report of that Committee and the decision of the Government should result in establishing a communication with America through Ireland, no one will rejoice more heartily than myself.

COLONEL DICKSON said, he rose to protest against the speech of the right hon. Gentleman. It showed that with all his high character he was utterly ignorant of the feelings of the people of Ireland. He thought the representatives of Ireland were deeply indebted to the hon. Member for Galway for the able manner in which he had brought forward this question. It had required all the ingenuity of the right hon. Gentleman, the Chancellor of the Exchequer, to pervert his statement. To say, as the right hon. Gentleman had done, that he should have been content with the appointment of the Committee, without entering upon an explanation of his views, was utterly absurd. What was wanted was that the Committee should enter on the inquiry in the spirit of justice and with a full knowledge of what Ireland demanded; and how could that be gained unless the subject were fully and fairly brought before the House? It was necessary, too, to expose the hostility with which the hon. Member for Montrose and others had, from the beginning, pursued the Company. He did not stand up to support the old Company or its antecedents; but the hon. Member for Montrose had, in some way that he had not thought fit to explain, worked out a totally false statement of the accounts of the Company. The Company had been called a "commercial sham;" but such an epithet not only inflicted an injustice upon the Company, but prejudged that impartial examination of the case which the House had a right to expect of the Committee. He would tell the House that the Company was composed of *bonâ fide* shareholders, containing many of the country gentlemen and members of the mercantile community of Ireland, and that it was presided over by a gentleman of great energy, who might count his capital by millions, and who would assuredly carry out whatever he undertook if he could only get fair play. Had Irishmen any reason to be ashamed of the manner in which mercantile affairs were managed in that country? When they heard every day of companies bursting and banks breaking on this side the water, Irishmen could refer with pride to the management of banks, railways, and other undertakings in their own country. Nothing but failure could have been anticipated by the Galway Company from the hostility shown to it. From the beginning threats were held out that the contract would be withdrawn, so that people were afraid to invest their money in the undertaking. It was said by hon. Members on the other side that it was not a political question; yet the strongest political spirit had been shown in discussing this contract. What political object could the Government of the Earl of Derby have proposed to attain by the contract? The majority of Irish Members were adverse to that Government. It was brought on before an election was anticipated. It was not said either at that time or during the election that it was a party job, and it was only when the late Government was thrown out that obloquy was heaped upon them for having granted this contract. The name of Father Daly had been brought into these discussions, and it was said that he had no right to interfere, and was not the representative of Irish interests. But if there were a matter on which a priest might fairly exercise his zeal and influence it was in a matter affecting the moral, social, and physical prosperity of his flock. And, although the noble Viscount at the head of the Government with his incorrigible jollity, had made a joke about his interview with Father Daly, yet he believed that what had occurred at that interview and since had had great weight with the Government in granting the Committee. He only regretted that the hon. Member who had moved for this Committee had restricted the nature of the inquiry. He wished he had brought it on as a substantive Motion, not only for an inquiry into the circumstances under which the contract had been annulled, but declaring that the subsidy ought to be continued until the issue of the inquiry became known. He could not help thinking that the conduct of the Government had been most cruel and unthinking in terminating the contract in so speedy and abrupt a manner, although he was not prepared to defend the manner in which it had been carried out. He denied the assertion of the Chancellor of the Exchequer, that the hon. Member for Galway (Mr. Gregory) had advocated the continuance of the contract as matter of charity. He felt that he stood in a peculiar condition for the advocacy of the question. He, at least, had no policy to change, and no opinion to alter. His vote on a late occasion would have been the same whether the subsidy were granted or withdrawn. Representing, as he (Colonel Dickson) did, a county containing, according to the Report of the Commissioners, one of the best harbours in the kingdom, he might be supposed to feel some jealousy that Galway had stepped in. No doubt, he should have preferred that Limerick should be selected as the port of departure, but Galway had won the fight, and ought to receive that hearty support to which her exertions entitled her. It was said that upon general principles no subsidy ought to be given to ocean mail steamers. The Government, however, owed some reparation to Ireland for long years of neglect and illtreatment. For these reasons, instead of looking on the subsidy as charity, he regarded it as matter of Imperial policy that it should be granted.

MR. DUNLOP said, that he wished to say a few words, as it had been stated that the opposition to the Galway contract originated first in Liverpool, and then proceeded from Scotland, and particularly from the hon. Member for Montrose and himself, and that it was founded in feelings of local rivalry. Having been Chairman of the Galway Contract Committee, he begged to say that there was not the slightest foundation for this charge of rivalry, as far as he was concerned. The town which he had the honour to represent (Greenock) had no rivalry with Galway. Their only mail packet communication was with Belfast, and it was of a description for which the Irish would never dream of contending, for the service was exceedingly well performed, and the subsidy was *nil.* They carried the mails without any compensation whatever, for the sake of the collateral advantage they derived from the use of the name "Mail Packets," and from the regularity of service which this imposed. As for his connection with the subsidy, the first time he had anything to do with it was when he was appointed a member of the Packet Service Contract Committee; and subsequently, on Mr. Cobden going to France, he was appointed chairman. In that capacity, though undoubtedly he had a strong opinion on the subject, he could appeal to all the members, and to the noble Lord (Lord Naas) opposite himself, if he had not conducted the proceedings with perfect fairness and impartiality. He thought the Irish Members scarcely did justice to the Government in this matter; for as chairman of the Committee he had prepared a Report concluding with a recommendation that the money should not be voted by the House, but that conclusion was negatived on a counter Motion made by the Secretary of the Treasury representing the Government. And he ventured to think that if the Government had then allowed the Committee to come to the conclusion which, but for their interposition in favour of the contract, the Committee would have adopted, they would not only have acted more in accordance with what the public service required, but would also have escaped the odium and the risks to which they had recently been exposed, by the necessity thereby imposed on them of doing, by their own act, what, but for them, would have been effected by the act of the Committee. He would not now go into the question of the Galway contract; but he must say that the noble Lord opposite had confounded together two distinct questions. The propriety of maintaining the station of Galway was quite a separate question from the maintenance of this Company, which had made so many failures. With respect to the effect which the decision of the Government might have upon the political support they received, he trusted that the Government would never condescend to dispose of a question of this kind upon such a consideration, but would rather regard the merits of the case and determine whether or not the contract had been fulfilled.

Mr. ENNIS said, that he was in no degree surprised at the decision come to by the Government with reference to the motion so ably and, withal, so temperately submitted to the House by his hon. Friend the Member for Galway; and that, though that decision was quite in keeping with what he expected from the judgment, good feeling, and sense of what was right of the noble Lord at the head of the Government, he begged, nevertheless, to tender his acknowledgments for the concession made to Irish interests in the matter, because it vindicated the course he (Mr. Ennis) had pursued on a recent occasion when he supported the financial propositions of the right hon. Gentleman, the Chancellor of the Exchequer, and, in so much, proclaimed the confidence he reposed in the Government of the noble Lord. Indeed, if there were any difference of opinion between him (Mr. Ennis) and his noble friend, it consisted in this, that while the hon. Member was content to resort to the slow process of a Committee to establish the rights of the Galway Company, he would have preferred to take the sense of the House regarding it by a substantive Motion. He was glad, however, to understand that the noble Lord the member for Galway felt satisfied with the mode in which the Committee would discharge the duty about to be confided to them, and that he would abide by that decision. He (Mr. Ennis) had some claim to be allowed to address the House on this subject. The idea of a western port for establishing steam communication with America was not a new one with him. It is several years since, in conjunction with his colleagues, the Directors of the Midland Railway Company of Ireland, he had encouraged the experiment, and although unfortunately the experiment was not crowned with the success it deserved, because perhaps of their inexperience, and the consequent inadequacy of the appliances used on the occasion; still they remain always attentive to every opportunity that might present itself to admit of a more satisfactory repetition of the attempt. They asked for no subsidy, they put their shoulders to the wheel, relying on the greatness of the object that was to be achieved, and anticipating the advantages that would accrue from it to their own special enterprise and to the country. He was in the recollection of his hon. Friend opposite, the colleague of the noble Lord, in the representation of Galway; if he (Mr. Ennis) did not at once respond to his invitation for assistance when it was proposed to place the *Indian Empire*, a steamship of great power on the station, in the view of bridging, so to say, the Atlantic within a short and specified time, and although the voyage was not accomplished within the period contemplated by the arrangement, still the Midland Company conceived that the subsidy had been fairly and equitably earned, and they paid it over accordingly. He was asked by his hon. Friend below him, parenthetically he supposed, what was the amount so paid, as if the animus of the company were to be estimated by the amount of the contribution, but he had no difficulty in stating the amount; he had done so on a public occasion in Dublin, and there was no secret about it—the sum was £2,000, but it put the hon. Gentleman the Member for Galway in Motion, and to it may fairly be attributed the establishment of the company whose misfortunes are the subject of discussion to-night. He would naturally be asked what was there in this that affected the question before the House? He would tell the House. He would put it to the Government whether a private company, having behaved with so much liberality, it became it to treat the Transatlantic Company with so much rigour? The former proceeded upon the principle that they best consulted the interest of their constituents in the Midland Company, by lending their aid to opening out a speedy communication with America, while they were driving a hard bargain where Imperial interests were at stake. He thought that some of the observations of the hon. Gentleman the Member for Montrose were inopportune. He had referred, for instance, to the case of the *Hibernia*, and stated that she was so ill-built as to become unseaworthy, and easily yielded to the force of a gale of wind which other ships sailing over the same waters felt no inconvenience from. Now, he did not know how that might be, but the law of storms, he might assure the hon. Member, was a most capricious one; there might be a hurricane in one latitude, with perfect calm, without a circle of 100 miles, as his own experience told him was not uncommonly the case; but it did so happen that this ship, so depreciated and despised by the hon. Member, was built upon lines suggested and approved of by the Admiralty, while her capacity and engine power were far in excess of the requirements of the contract. But on her voyage from Southampton to Galway she encountered the storm which swept over Ireland on the 18th and 19th of March, and which will long be remembered as that during which the lamented Captain Boyd, of the *Ajax*, with several of his crew, lost their lives in the sublime attempt to rescue the sinking crew of a battered ship from death. The *Hibernia* met with the full force of that gale, and became disabled, and it is to this point in the Company's history that he would direct the attention of the House. Now, there was little use in adverting to antecedent circumstances. There might have been much to forgive and forget both by the contractors and the Post Office; but it appeared to him that whatever might have taken place prior to March last—the 26th—it was from that hour that the Company might date the harshness, and, he would say, the positive injustice with which they had been treated. Well, the *Hibernia* not being in a fit state to send across the Atlantic, the company offered the *Parana* in substitution for the service. Her size, engine-power, and approved character as an oceanic steamer fully qualified her for the Post Office; but she was rejected. Why? Because, indeed, the Admiralty surveyors apprehended—were of opinion in the Report—that her speed would be inadequate to the performance of the voyage within the contract time. But this was, after all, a fact to be ascertained. So many revolutions of the engine formed no part of the contract. In fact, it remained only for the Postmaster General to test the capabilities of the ship as to speed, by her performance in the postal service, and inflict his pains and penalties as the result might determine. He (Mr. Ennis) did not find that a regulated rate of speed was inserted in the bond, and however the Post Office authorities might insist upon their pound of flesh, it was nowhere stipulated that they should take one jot of blood. Here, if he were correctly informed, was a great legal wrong done to the Company, and here also was a case where it ought to be shown that there is a power in this country superior to the mistakes or prejudices of office, and that it was the law. He supposed, however, that the Committee about to be appointed would take cognizance of all these things. In that belief he felt that it would be wrong to anticipate any result. It would be an offence to the House to do so. Some hon. Members had hinted difficulties as to the character of the Committee that might be appointed. He felt none on the subject, and would gladly confide the dearest interests he possessed to the arbitrement of a Committee selected by the House of Commons.

COLONEL GREVILLE said, that if the Government had done nothing else, they had, at all events, performed the feat of uniting all the Irish Members in advocating a common object. What they, as well as the Irish people whose interests they represented, complained of was not merely that the Galway contract had been rescinded, but that from the very commencement the Company had not received fair play. In support of that statement he might mention the fact that the Chancellor of the Exchequer on the 5th of July, 1859, said, in reply to the hon. Member for Montrose, that the Government had not arrived at any conclusion as to whether the contract should or should not, in the interests of the public, be cancelled. He might also observe that the Postmaster General had a few evenings ago declared his chief objection to the contract to be that it had been, contrary to universal practice, granted without competition—a question into which he had no right to enter, inasmuch as it once having been sanctioned by the House of Commons he was bound to deal with it as a thing accomplished. The Government of the Earl of Derby, having found the Company established, had, in his opinion, very naturally given them a subsidy which, it should be borne in mind, was hedged round by every precaution that could be taken in the interest of the public. It would be too hard, he might add, if while Ireland was called upon to pay her full share of taxation she were not to receive her due proportion of the aid which was furnished from the national Exchequer. He thought the course of the Postmaster General was open to the gravest objection. It was not fair in him to insist on the mails being sent to St. John's when such was not the original understanding of the Admiralty. It was better that the Government should change ten times than that the just expectations of the people of Ireland should be disappointed.

MR. MAGUIRE could not join with the hon. Member for Athlone in thanking the Government for doing that which they had been compelled to do. He could give them no thanks whatever, and he believed that if he were to do so they would consider him a very silly fellow. Everybody knew that the Government had been compelled to eat the leek, and that it was only when they ascertained that the Irish Members would vote against them to a man, and that the same course would be taken by many of their ordinary supporters, that they had consented to the appointment of a Committee. But his chief object in rising was to bear witness to the fact that the entire people of Ireland felt a deep interest in the Galway scheme. Even the inhabitants of Cork, who thought they possessed the best harbour in the United Kingdom, were indignant at the conduct of the Government with respect to the Galway contract. He did not mean to assert that the interests of Ireland depended upon the success of the Galway Company, but he knew that one successful enterprise led to another; he knew that Irishmen were able to conduct their own business; and in the fact that shares to the amount of about £500,000 had been taken in the Galway Company by persons not belonging exclusively to the West of Ireland, not for the purpose of making money, but to develope the resources of the country, he recognized a proof that the project had been received with universal approval, and that it was not that sham which it had been represented to be by the Scotch Radicals. Other companies had partially failed as well as the Galway Company. Sir Samuel Cunard himself was at one time, he believed, obliged to compound, and it was only by associating with other persons that he was ultimately enabled to achieve success. He had no hesitation in saying that it was the doubt and uncertainty created by the vacillation of the Government, and especially by the hostility of the Scotch Members, which paralyzed the Galway Company. The hon. Member for Montrose had all along exhibited a strong feeling of partisanship, and it was on that account, and because they believed his presence in the Committee would taint the whole inquiry, that a large portion of the Irish Members opposed his nomination two years ago. It was to be hoped that none of the Scotch Radical element would be found in the Committee about to be appointed. He objected altogether to the puritanical set on the back Ministerial benches. Let there be five honest John Bulls, fair and impartial English Gentlemen; let this matter be submitted to them, and the people of Ireland would be satisfied with their decision; but for goodness sake let them have no Scotch Radicals on the Committee. Both on this and on any other question the Scotch Radicals did all they could against Ireland. They laid the heaviest taxation upon her, they grudged her every single farthing that was proposed for her benefit, and whenever anything was to be done for her benefit they objected to it. It was said that the hon. Member for Montrose had some special friendship or association with those who were connected with the particular line which had felt rather heavily the rivalry and the probable success of the Galway Company. That might be true or false, but he believed the hon. Member had not only that commercial bias which arose from such sympathies, but a strong national antipathy to the people of Ireland. As a Scotch Radical he believed he had, honestly. There were many Scotch Gentlemen in that House who were at all times disposed to treat Ireland with fairness;

but the people of Ireland wished to have nothing to do with the hon. Member for Montrose or the hon. Member for Greenock. Into the merits of the case he did not intend to enter; these would be inquired into by the Committee; this only he would say, that nothing could be more unfair than for one party or another to deal with such a matter with a political bias. He believed that Lord Derby had from the best possible motives given this boon to Ireland, and on right and proper grounds. He did not care from what side benefits came to Ireland, he welcomed them with pleasure and gratitude; but Ireland had suffered so much from both sides, that both parties ought to emulate each other in making up for the past misgovernment of the country. One word as to Mr. Daly. Father Daly asked him to support the Galway contract. He said he had always done so, and always would; but he could not vote against the Government on the particular question then about to be decided. He told him if Mr. Daly had a mitre on his head it could have no influence on him on that question. His mind had been long made up on it. If he could have voted against the Government he would have done so; but he had committed himself body and soul on the paper question; over and over again he had voted for the repeal of the Excise duty; and he believed he was perfectly right in the course he took; therefore, he could not vote against the Government. He hoped he had some character for consistency in that House, and he could not vote against the opinions he had expressed. He, therefore, refrained from voting. He thought that was a very fair course. A strong pressure was put on him to vote against the Government. He would not, but he deeply regretted that he had so committed himself on the paper question as not to have it in his power to express his feelings as an Irishman against the Government for doing what he considered a deep and grievous wrong to the interests of his country. He would advise the Government, if they really wished to conciliate the people of Ireland, to do no further act of hostility against them in this matter, by some of their ready friends or by their unscrupulous underlings. Let them act fairly and manfully, and do right for once.

Mr. BERNAL OSBORNE: I am neither a Scotch Radical, nor a shareholder in the Galway Company, nor committed body and soul to the question before the House; but, if I were committed body and soul, I should feel bound to vote in support of the Motion. The hon. Member for Galway, in bringing forward this question, has, I think, entitled himself not only to the thanks of Great Britain in general but of Ireland in particular for the very lucid statement he has made, and for some of the declarations it has been the means of eliciting, not from members of the Government, but from this House of Parliament. It was my hon. Friend the Member for Montrose who said that the surveyors at Liverpool who surveyed the *Hibernia* passed an opinion that she showed symptoms of weakness. I think if those surveyors had inspected Her Majesty's Government on this question, they would also have been obliged to pronounce an opinion that in granting this Committee so readily the Government have shown symptoms of weakness; at any rate, that their bottom required some strengthening, and that, like that unfortunate ship the *Hibernia*, they were now rather on their beam ends. I complain of the conduct of the Irish Government on this matter. I keep clear of the particular Company. I take the bold line of it being necessary to cherish and nourish Ireland in some way; but I say the Government have shown symptoms of weakness on this principle. Either they ought not to have terminated the contract in such an excessive hurry—either they have shown ignorance in making it a purely departmental question; or, having come, as an united Cabinet, to a conclusion that it ought to be terminated, they ought not to have turned round and granted this Committee. I say they have rather discredited themselves in my opinion than done themselves good by showing these symptoms of weakness like that noble vessel the *Hibernia*. So much for the Government. Now for a point to which I should not have reverted but for what fell from my hon. Friend the Member for Montrose. He has taken upon himself—I must say in partial ignorance of the facts, to style this new Company, forgetting there have been two distinct companies, a commercial sham. Does the hon. Gentleman know who is the Chairman of the Company? Let me tell him the Chairman of that Company is one of the first commercial men not only in Ireland, but, I believe, in Great Britain. It is Mr. Malcomson—a gentleman whose acquaintance I have the honour to rejoice in. What is his *status* in the commercial world? Mr. Malcomson is not only the largest cotton spinner in Ireland, but the greatest proprietor of steam-boats in the United Kingdom. He is the Chairman of the Galway Company. And when my hon. Friend says that the directors are men of straw and the whole thing a commercial sham, I say that it is no such thing. Whatever may be the opinion of my hon. Friend the Member for Montrose, I can tell this House that the chairman and directors of the Company are as solvent men as any merchants in Her Majesty's dominions. I think the English Members ought to be guarded against the representations which have been put forward—not by the hon. Member for Montrose, or the Scotch Radicals, for, whatever may be their opinions of Maynooth, upon mercantile questions they have no hatred of Ireland—but by the Irish Government. The question is, how is the Irish Government to be carried on? For the right hon. Gentleman the Secretary for Ireland to rise and say this is a purely departmental question is not telling us how Ireland should be dealt with. What are the facts of the case? I was astonished to find that the Lord Lieutenant of Ireland, in answer to a deputation, stated he knew nothing whatever of what was going on on the other side of the water, and no one could have been so surprised as his Excellency when he awoke one fine morning and found that the Postmaster General had put an end to the Galway contract. If that is the way in which you carry on the government of Ireland, it is utterly impossible that your Government or any other Government can be popular there. I do not look at this question as a mere question of the Galway contract, but if you are to support the institution of the Lord Lieutenancy you must make it a reality. The reason I have always objected to the continuance of the Lord Lieutenancy is, not that I object to the office of Lord Lieutenant, but that you have made him such a King Log that he is of no use. If I wanted an argument against the Lord Lieutenancy I could not have a stronger one than this case. Here you have a nobleman in the receipt of a paltry sum as Viceroy. I say it is a paltry sum—I do not like to bring in names—the names of royalty—but there is no Court in Ireland—while visits are paid to Scotland—a nobleman gets £20,000 to exercise the office of Viceroy, and you have made him a man of no power, not able to give an opinion, and then the right hon. Gentleman comes down here and tells us this is a departmental question. Without any reference to the Galway contract, this becomes a serious question whether the Lord Lieutenant ought to be kept in the position he now is. It is all very well to talk of justice to Ireland, and to throw out fine phrases in this House, but having a long and intimate acquaintance with Ireland, I say she ought to share in the same benefits which you give to this and the sister country. You complain that she knows very little of you. She only sees you in the most disagreeable form, when the Judges of assize go their circuits, and then she is told she ought to bless herself for the connection. If the Government have done their duty they ought to have looked at this question as one far beyond a mere departmental question. I do not go on to the question of the Galway contract or the objects of this Company, but I say that neither this nor any other Government can shut their eyes to the just wants of Ireland, and, without going into the paper duty question, my support of this or any other Government which may come after it would materially depend upon the way in which they treat the sister kingdom.

MR. CARDWELL: The hon. Gentleman has entirely mistaken me. I did not say that this was a departmental question; on the contrary, that, regarding it as an Imperial question, it had been settled here in the department by which it was begun and by the Government collectively, to whom the responsibility belonged.

MR. DISRAELI: Sir, being the individual who signed the Galway contract the House will not, perhaps, think it presumptuous on my part if I make one or two observations before the discussion closes. A year has elapsed and I find the task of defending the policy of that contract not so difficult as a twelvemonth ago it might have seemed. Time, and the truth which time often brings, appear to have influenced public opinion. Little less than a year ago the attention of this House was called to the proposal for another Select Committee on the same subject, but moved in a very different spirit and with a very different object. A year has gone round, and "the engineer is hoist with his own petard." There is a Committee again to be appointed on the Galway contract, but I think the labours of those Gentlemen who will serve on it will be animated by a different meaning from that which influenced those who came to a decision on our recent Committee. Looking at this question generally, what is urged against the policy of this contract? There were many objections originally urged against that policy, but they all seem to have disappeared. The noble Lord the Secretary of State the other night said that no one could for a moment impugn the policy of the contract; and I think myself he would be a bold man who did it. Looking at the relative positions of America and the United Kingdom, I think he would certainly assume a perilous position who would impugn the policy of selecting for establishing a communication between the countries—those two points by which the nearest communication could take place. It was shown to us, that if this service were established at Galway, as between Liverpool and Galway, with respect to reaching America, there would be in favour of Galway a saving of at least thirty hours' voyage, and as regards telegraphic communication, question and answer both considered, there would be an absolute saving of eight days. Even in 1858 that was an important consideration with statesmen; is it less important in 1861? We will then pass on to the next point, the means by which this policy is to be carried out. No one now, according to the authority of the Secretary of State, impugns the policy, but the means by which it was carried into effect are still, though much more faintly, abused. A subsidy, it is said, is a means which is highly to be deprecated and objected to. It is, we are told, the office of private capital, unassisted by the credit of the State, to undertake enterprises of this character. But does private capital undertake enterprises of this nature? What evidence have we that if the Government of 1858 had not interfered any private enterprise with this object would have been established? Is not all the evidence the other way? This is a want which has long been felt. Philosophers and politicians had long recognized its importance, merchants and traders had asserted that it was an object of the first necessity, and for years they had done this, but no step was ever taken by them to accomplish their purpose. There were placed before the Government representations in favour of this communication between Galway and the nearest point of America, signed by all the great capitalists, all the great firms, and Chambers of Commerce in the country. But they did not stir in the matter, and the Government took the responsibility of interfering. They also took means of ascertaining whether there was any prospect of private enterprise, or private capital, unassisted and unsanctioned by the Government, taking it up, and they learnt from all quarters that such supposition was quite illusory. And very naturally so. Had not this country for a long period of years adopted a different policy on a most extensive scale, and sanctioned the interference of the State? Had you not had considerable and extensive services from various ports of England, assisted by subsidies from the Treasury to a very large amount? Were not they proofs that private capital could not efficiently undertake the duty, and in Ireland to effect that which private capital in England shrank from attempting? We ourselves believed that it was of importance for the public welfare and generally for the advantage of Ireland that this communication should be established. But then we are told that we made a great mistake, because, having come to that opinion, we did not put the enterprise up to public competition. That subject was well considered by the Government of the Earl of Derby, and it was the result of their deliberation that nothing could be more unwise, and, indeed, to a certain degree, nothing could be more unjust than to put that service up to competition. We found a Company before us established to a certain extent, and in possession of a colonial contract which gave it a great advantage against any fair and open competition, but at the same time we were assured, and we believed and still believe that, if we had resolved upon establishing that communication between Ireland and America by competition, great companies, with the command of large capital, whose interest it was to prevent any such communication, would have taken advantage of that public machinery of competition, and ultimately would virtually have suppressed the very enterprise we wished to foster. Whether, therefore, we look to the policy of the enterprise, which is no longer impugned, or to the means to which we had recourse, and which I with confidence vindicate, there is no point to which objection can be taken.

But, then, we are told that though the policy might be right, and though the means might not be questioned, yet the conduct of the Company, when once we had granted this contract, was so unsatisfactory and so unequal to the occasion that they have no claim whatever to the consideration of the State, and that the conduct of the Government in the course they have recently taken was not only justified but necessary. But is that the fact? There is no doubt that it was an enterprise of no slight difficulty to establish this communication between Ireland and America. The very difficulty alone justified the interposition of the State, and that interposition was not an accessory but the condition of success. It was the credit and strength which the sanction and assistance of the State gave which allowed the Company, and could alone allow the Company, to succeed. What was the assistance which the State gave after the policy was adopted and the contract signed? I say it was an alternation of neglect and menace. That is the complete history of the relations between the Government and the Galway Company. It was the grant—the cheerful grant of the subsidy which was the foundation of the credit and capital of the Company. There was no other reason which could justify the interference of the State, and chilling and churlish assistance really prevented success. It was worse than chilling and churlish. It was critical and hostile from the beginning. What was the reason of this conduct on the part of the Government? There was a dissolution of Parliament, a change of Administration, and those who were responsible for the policy and who signed the contract left office. What was the cause of the conduct of our successors? I confess I am at a loss to say. Nothing has surprised me more than that noble Lords and right hon. Gentlemen opposite, when they have acceded to office, should have always felt it one of their first duties to blacken the conduct and character of their predecessors. I should have thought that they might have been contented with their success. Their triumph has generally been obtained on easy terms. Considering the unnatural coalitions which are usually called into existence to expel us from power, the impossible pledges and the impracticable policy to which our successors give their public adhesion, in order that they may sit on those benches, I think they might have been satisfied. No one on this bench, at least, has ever grudged them their triumph, however obtained. With such unequivocal success, they might have spared themselves the task always to blacken the character and conduct of their predecessors. It was the same in 1852. It was the same in 1859. In 1852 we were responsible for the conduct of the Admiralty. We were in office less than a year. The Duke of Northumberland was then First Lord. He found the affairs of the Admiralty in no satisfactory state. There was great alarm in the country, and a great call on the Government to produce the Channel fleet. To the Duke of Northumberland alone, supported, of course, by the entire sympathy of his colleagues, belongs the credit that in less than a year a Channel fleet was created. So far the Government in 1852 might have left office without any attempt on the part of their successful rivals to blacken the conduct of that department. But, on the contrary, a most amiable and accomplished man, much beloved in this House, and by all who knew him, was hunted to death by the noble Lords and right hon. Gentleman opposite. The most exaggerated and miserable charges were brought against him for conduct which all his predecessors had been allowed to pursue with impunity, in order to raise a cry against the Government of the day. In the year 1859 there was only the Galway contract, and I should be a hypocrite and conceal my convictions if I did not say that the licence of public life was stretched to create an unjust odium against the Government. What is the consequence of these illegitimate means to create a false sympathy, and raise an unfounded and unjust odium against their predecessors? If I had really perpetrated that job which I am described in the public prints to have done, and which some in this House have insinuated that I have done, do you think I should have drawn the contract in the form in which it appears on the table now for our consideration? Remember, that until this Galway contract, it was in the power of the Government, on their own authority, to enter into those contracts, and Parliament had no control over them. Who was the first Minister who put in that language which brought these contracts under the supervision of the House of Commons? Who gave this House the power which they exercised last year, and are happily exercising this year, over the terms and conditions of such contracts? Why, it was the Chancellor of the Exchequer of the Administration of the Earl of Derby. And I say that if I had been influenced by those corrupt motives which have been imputed, should I have put that language into a contract which made it amenable to Parliament, or should I not rather have shrouded the contract in the old language of such engagements, which would have permitted me to have defied the criticism of Parliament? I did nothing of the kind. I sanctioned the remodelling of these contracts because I felt that the Government of which I was a member would not have ratified a contract which they did not believe was for the public welfare, and because I thought that my successor in office, whoever he might be, would be animated by far too exalted and generous sentiments to find time at such a moment to blacken the conduct of his predecessors. After a year has passed, the conspiracy having succeeded for the time, no doubt—where do we find ourselves? We have had, I think, as remarkable a piece of Parliamentary conduct with reference to this contract on the part of Her Majesty's Government as I ever recollect. The Motion of the hon. Member for Galway was, in fact, a vote of censure. It was a proposition that the House should appoint a Committee to consider the announced decision of the Cabinet. If the Committee came to a different decision from the Cabinet the only logical conclusion should have been that the Committee should sit on those benches. Every effort was made on the part of Her Majesty's Government that there should be no mistake or misconception on this point. Their friends, however annoyed by their policy in this respect, charitably intimated—to use the language of the evening—that it was a departmental error. But the Government would not for a moment agree that it was a departmental error. It was a policy upon which Cabinet Councils were proudly summoned, upon which they pompously sat, and the result of which was announced to us with ostentation by the Prime Minister. They had considered the subject. The Postmaster General had nothing to do with it, or had only an infinitesimal portion of responsibility. It was a Cabinet question. The Cabinet had decided, and the noble Lord threw down his glove on the floor of the House. The hon. Member for Galway took it up and gave notice of a Motion that, notwithstanding the decision of the Cabinet, the question should be remitted to the consideration of a Committee. What does that mean? Why, that we are not satisfied with the policy of the Government. We are not content with the decision of the Cabinet. If that is not a question of confidence, what is a question of confidence? It is most charitable on the part of the Government to agree without a division to a vote of want of confidence, as every body desires to keep them in their places. This is the state into which we are brought by the tortuous policy of the Government now and then blackening an opponent, now and then laying a trap to injure a body of public men, now and then disappointing supporters who placed confidence in them, now and then using this contract as an object of defiance by which to punish those who regarded more the interest of their country than the interests of the Government. And it is come to this—to a scene of unprecedented humiliation, remarkable, I must say, this night, for an unrivalled exposition of Irish policy by the right hon. Gentleman the Secretary of the Lord Lieutenant. I wonder whether the right hon. Gentleman still retains the humble but constitutional title of Secretary to the Lord Lieutenant. Generally speaking, when principals are not contented with their secretaries they dismiss them, but here we have the Secretary of the Lord Lieutenant of Ireland agreeing in the Cabinet to a policy of the greatest importance to the country, of which his Excellency, as it now turns out, on evidence which no one can question, was kept in entire ignorance. That is a remarkable state of affairs. I am perfectly aware of the objections which have been urged against the office of the Lord Lieutenant, and by none with more liveliness and force than by the hon. and gallant Member for Liskeard (Mr. B. Osborne). There may be abuses, but I believe they arise from neglect and non-appreciation of the real character of the office. I do not think that they constitute a sufficient reason why we should abolish a post now of some antiquity, of great distinction and authority, which by good management and proper appreciation on the part of the Home Government might be made to exercise a substantial power and a most beneficial influence in Ireland. But where is the authority of the Lord Lieutenant, after the exposition of his policy which has been given to-night by his Secretary, who has rather aggravated his sins by his explanation? If it had been a mere departmental question—though what that jargon means I cannot comprehend—that was no reason why the Lord Lieutenant should be kept in ignorance of the decision. But, as we are now told, it is an Imperial question, in which Ireland is deeply concerned, and that upon such a question the chief Governor of Ireland should not be consulted, appears to me really monstrous. Well, we shall have a Committee sitting upon a subject which has already received the mature deliberation of Her Majesty's Ministers. I shall await its Report with considerable interest. Meanwhile I may say that these discussions, which have now occupied nearly twelve months, more or less, have not been without result. Whatever may be the policy of this Government, I believe that the policy of England towards Ireland has received from these discussions a new aspect, which I hope may lead to a future that may realize the hopes of the most ardent friends of that country.

VISCOUNT PALMERSTON: It can excite no surprise, Sir, on the part of those who have watched the course of administration in this country of late years, that the right hon. Gentleman should express great resentment, much indignation, and somewhat of grief, that the conduct of the successive Governments of which he has been a Member, should invariably, when they have been overthrown by adverse majorities, become the subject of public censure. That can excite no surprise. The wonder is rather that the torrent of indignation which we have heard to-night should so long have been pent up, and should only have burst its bounds upon the present occasion, for the purpose of exciting those cheers which have so loudly followed the sitting down of the right hon. Gentleman. I must say, however, that there was one part of the speech of the right hon. Gentleman which did excite astonishment in my mind. The right hon. Gentleman alluded to a melancloly event, deplored by all who had the honour and pleasure of acquaintance with Mr. Stafford, the late Member for Northampton, an event which was totally unconnected with political matters, and was the result purely of physical disease, and I must say, at the hazard of casting a reflection on the medical science of the sister isle, of medical mismanagement. With a taste and feeling to which I shall not advert, the right hon. Gentleman was pleased to say that my hon. Friend—for so I may call him—was hunted to death. I never in the course of my life heard an observation less founded on fact, more impertinent to the question under consideration, or less becoming a person occupying the position of the right hon. Gentleman. I shall not follow the right hon. Gentleman in discussing the merits or demerits of the Administration of 1852. I will not even go into a discussion of the conduct of the late Government in regard to the granting of the Galway contract, or the motives, time, and circumstances of that transaction. Much might be said on that subject, but it is a question which has gone by. If there was anything in the granting of that contract which exposed the late Government to criticism, it has been condoned. The matter was referred to a Committee of the House, on whose Report the contract was acknowledged, retained, and carried on. It is made a reproach to the present Government that they referred the matter to a Committee; but, as the contract was to depend on money to be voted by Parliament, as there was great difference of opinion on the expediency and policy of the contract at the time in the House, and as it turned on detailed information, I think it was the duty of the Government to refer the matter to a Select Committee, and not allow it to be discussed merely on the Vote in Committee of Supply. The Company having been acknowledged, and their contract continued, it was our duty to see that they fulfilled the engagements which they had undertaken. They failed on several occasions to fulfil the conditions of the contract, and repeatedly received extensions of time and other indulgencies. A certain time having elapsed, we found that failures were still taking place, and arrived at the opinion that the Company did not contain in itself the elements of faithful and efficient performance of the contract. It, therefore, became our duty, in performance of the obligations we had undertaken, to tell the Company that no further time could be allowed, and that the contract must, therefore, be terminated. We are told that it is an act of weakness, a piece of self-condemnation, to agree to the Committee now moved for. I say it is in exact accordance with the course which we pursued on the former occasion, in regard to maintaining the contract. It is perfectly true that we felt that if we had resisted this proposal we should have been left in a minority. We deemed it ourselves to be a reasonable proposal, and we believed that others shared that opinion. Instead of being an act of weakness, it was the only course which a Government acting without passion or prejudice, and wishing simply that the merits and justice of the case should be ascertained, could pursue. The only person in the House who, I think, should have voted against the proposal is the noble Lord opposite (Lord Naas), who, in his speech, gave what appeared to me strong reasons for such a vote. Then we are told that in acting as we have done, we have slighted the Lord Lieutenant of Ireland. Why, Sir, I would ask where the contract was made, and who sanctioned it? Was it made in Ireland, or did it receive the sanction of the Lord Lieutenant? We were just now told by the right hon. Gentleman that it was a contract made by the Government of this country upon Imperial considerations, to be paid for out of the Imperial Revenue, and to be sanctioned by Parliament. I say, therefore, that if a question arose as to whether the contract should be continued or not, the same authority by which it was originally made; namely, the Imperial Government was called upon to determine whether it should be continued. This being so, it was not fair to throw upon the Lord Lieutenant a responsibility which did not belong to him, or to take him into council upon a matter of Imperial policy which in no degree formed part of his functions. So far from casting any slight upon the legitimate authority vested in him, I say that we should have been going out of our way if we had remitted to him a question, the decision upon which belonged solely to the Government of this country; and in thus acting we pursued the natural course, the course followed by our predecessors, and the only course which ought to be followed by the Government upon a question of this kind. The Lord Lieutenant, however, was informed of the decision which was taken. The noble Lord himself read a passage, from which it appeared that the Lord Lieutenant knew of our decision, though he said he was not aware of all the detailed reasons upon which that decision was founded. Now, as the decision was not his, it was unnecessary to take him into council and inform him of all the steps by which it was arrived at; it was enough to tell him what the decision was, and, therefore, the answer which he gave was a perfectly obvious and natural one. There is nothing in that transaction, therefore, which in the slightest degree affects the functions or the position of the Lord Lieutenant, and if hon. Gentlemen have no better reason than that for proposing the abolition of the office, I think the ground for making such a proposal exceedingly trivial. Great complaints have been made by Irish Members in the course of this debate that sufficient attention is not paid by the Government to the interests of Ireland; that Ireland is neglected; and that there is hostility on our part towards Ireland. Really, to accuse the Government of hostility to one-third of the United Kingdom implies, I think, less wisdom on the part of those who make the assertion than the accusation imputes to those against whom it is made. Why, Sir, of late years, the whole course of legislation has been for the benefit of Ireland. When you talk of Ireland, I presume you consider it as part of the United Kingdom. I presume we are not discussing Ireland as if it were a colony separated in its interests from the rest of the country, locally situated, and unconnected, except by its allegiance to the Sovereign with this country. I say, then, that every measure which is proposed and carried for the benefit of the country at large is a measure from which Ireland in common with the rest of the United Kingdom derives her share of benefit. All those improvements in commerce and in internal administration of every kind, which have resulted from the labours of Parliament during the last twenty years, are measures from which Ireland has derived as much benefit as England. These advantages are not confined to one part of the United Kingdom. The repeal of Customs' duties, the freedom of commerce—any measures which add to the wealth and prosperity of the United Kingdom—confer equal benefits on Ireland with the rest of the country. No man who compares the state of Ireland now with its state twenty years ago—no man can traverse the country, or can go the slightest distance through it, without seeing the vast improvement which has taken place there. I dare say I shall be told by those who are so much alive to the interests of Ireland that this improvement has been the result of the native energies of the people, of their industry, intelligence, activity, the fertility of the soil, and the natural resources of the country. But will all these elements produce national prosperity unless superintended by a good Government? When a nation is prosperous, when intelligence and industry reap the legitimate reward of their exertions, when the natural resources of a country are developed by the activity of its people—when you see such a result you may confidently assert that that country is well governed. On the other hand, when you see intelligence cramped, industry deprived of its proper reward, a fertile soil lying waste and uncultivated, and great natural resources thrown away and unproductive to man, you may safely predicate the existence there of a bad Government. The greatly increased happiness and prosperity of Ireland of late years show, I think, convincingly that the Government under which such results are brought about is not liable to the imputations made against the present Ministry of being neglectful of the interests and hostile to the welfare of Ireland. I shall not pursue this subject further. I am of opinion that the course proposed by the hon. Member for Galway is a proper one. We are perfectly willing to submit to the Committee the reasons upon which we thought it our duty as guardians of the public purse to announce the termination of the contract. It will be for the Committee to judge whether those reasons are sufficient, or whether any excuses which the Company can offer for the nonperformance of their engagements are such as will justify the Government and Parliament in continuing the subsidy which under the contract the Company are entitled to receive.

Mr. E. P. BOUVERIE said, he thought that the right hon. Gentleman had displayed much credulity as to the forgetfulness of the House in the remarks which he had addressed to it. He stated that the Earl of Derby's Government had deliberately considered the question whether the Galway contract should be submitted to competition or not, and, after mature deliberation, had decided in the negative. Now, it would be in the recollection of many hon. Members that a distinct promise was given by the Treasury to an important commercial company at Liverpool that this Irish contract should be submitted to competition, yet, in absolute oblivion of that promise, the contract was given to the Galway Company. The Canadians made a similar complaint against the late Government, who had promised that the subject should be considered with special reference to Canadian interests, but had entirely lost sight of this undertaking. Now, that Government might have had some excuse for want of method and mismanagement, but they had just been told that all that had been done was the result of mature deliberation, though the Earl of Derby himself, in his examination before the Committee, had stated that the omission was unintentional. The right hon. Gentleman said he had been actuated by the highest and purest motives, because he had introduced into the Galway contract a clause providing that the subsidy should be paid out of monies furnished by Parliament. Now, the history of these words was narrated by the Secretary of the Treasury in his evidence before the Committee. The hon. Member for Stamford (Sir Stafford Northcote) stated—

> "The question having arisen, whether the Government was responsible for the vote for the Paris chapel, I called Mr. Disraeli's attention to the subject and said, 'You had better take care what you are about, because if Parliament should refuse to vote the money for the contract, you or Lord Derby may be called upon to pay the whole amount yourselves.' Mr. Disraeli said that that would be highly objectionable. I, therefore, proposed to insert in the contract, 'out of monies to be provided by Parliament, or something to that effect.'"

The hon. Gentleman whose death had been alluded to, having been a personal friend of his, he must be allowed to say that he was shocked at hearing the right hon. Gentleman have the face to say that he was hunted to death by hon. Gentlemen on that side of the House. What were the facts? Accusations were made against the conduct of the Admiralty with reference to the election of 1852. An impartial and independent Committee of five Members of that House inquired into those statements, and virtually condemned the conduct of the Earl of Derby's Government with regard to those transactions. The right hon. Gentleman complained that attempts were made to blacken the character of himself and his friends. There was no desire to blacken the conduct of hon. Gentlemen opposite. It was their own conduct in 1852, as proved before the Committee, and the suspicious circumstances connected with this contract, which gave rise to the imputations which had been cast upon the right hon. Gentleman and his friends. These matters had nothing to do with the question before the House, and had only been introduced by the right hon. Gentleman because he thought that he had a good opportunity of making a little capital, and of swaggering about these matters, out of which his friends had not come in the best light. He must say that he regretted that the Committee was to be appointed. There were no facts to be ascertained; they were all in the papers which were already before the House. Notice had been given by the proper authority to put an end to the agreement, and it was at an end. Was the House of Commons prepared to say that if the Company had been harshly or unjustly used they would take the functions of the executive Government into their hands, and resolve that a contract should be entered into with a public company for the conveyance of mails? The adoption of such a course would be very dangerous to the system of government of the country. They had hitherto trusted these matters to the executive Government, and had held them responsible for the proper discharge of their duty, and it would be a most serious thing in the contest of parties if the success of a Ministry was in future to depend upon obtaining in this manner the votes of those who were interested in the prosperity of a particular part of the United Kingdom, or upon consulting pecuniary interests with which the House of Commons had properly nothing to do. He trusted that the result of the investigations of the Committee would be to show that the course which had been taken was a proper one, but if it should not he trusted that there was sufficient independence on both sides of the House to induce them to declare that they would not attempt to make contracts which it was the business of the Government to conclude.

Lord JOHN MANNERS said, that he had heard the opening remarks of the noble Lord and some of the concluding sentences of the speech of his right hon. Friend with the greatest possible pain and surprise. The noble Lord boasted that he was a friend of the late Mr. Augustus Stafford, and took upon himself to say that the unjust party attacks which were made upon him by hon. Gentlemen opposite had nothing to do with his lamented and untimely death. If the noble Lord had been a friend of Mr. Stafford he would have known that that statement was not founded on fact. The right hon. Gentleman who had just spoken had said that the attacks which were made upon Mr. Stafford were made by an impartial Committee; but his right hon. Friend had sat long enough in that House to know that in times of great political excitement Committees might be betrayed into statements and into judgments which their members in after years deeply regretted. Those who were intimate friends of the late Mr. Stafford knew, and knew too well and too painfully, what effect the decision of that Committee produced upon his highly sensitive and honourable mind. If the noble Lord had in his capacity of friend to Mr. Stafford risen when the attacks were made upon him, and shielded him from them, he should have attributed true friendship to him, but he regretted more than he could say that the noble Lord should have commenced his speech with the remarks which he had made with respect to that admirable, honourable, and excellent man who had passed away. Had it not been for the reference to that subject by the noble Lord and the right hon. Gentleman, he should not have said a word upon this subject, but after what had fallen from the right hon. Gentleman he must ask him why he did not divide the House? He gathered from the speech of the right hon. Gentleman that he looked upon the conduct of the Government in assenting to the appointment of this Committee as mean and pitiful. If that was his opinion why did not he divide the House against the Motion? The late Administration shrunk from no investigation of the motives which induced them to grant the subsidy, and if the right hon. Gentleman thought that no investigation was required he challenged him to take the opinion of the House. If he admitted that there was a necessity for investigation, then the concluding sentences of his speech were wholly uncalled for, and might have been reserved until the Committee had reported.

Mr. HERBERT said, that as the nearest and most intimate friend of the lamented Gentleman whose name had been referred to, he regretted that he should have been present to hear his name bandied across the House. He knew Mr. Stafford well, and, although he sat opposite to him in that House, he sympathized deeply with him in the attacks which were made upon him after he left office. He knew how deeply he felt those attacks. He knew the pain Mr. Stafford suffered from them at the time. He died in his presence, and before his death he heard from his own mouth the full particulars of the treatment he had received, and what he believed were the causes of that treatment. He could not, therefore, stand by during this discussion without stating to the House his belief that the attacks made on Mr. Stafford had nothing whatever to do with his death. He need hardly remind the House that those actions which gained for Mr. Stafford a European reputation, and carried his name into every home of this country, were performed years after the political attacks made on him; when he did those noble deeds Mr. Stafford was in strong health; and he came back from the Crimea to this country, to the satisfaction of his friends, in good health, to enjoy the reputation he had so nobly achieved, and which made all England forget those errors which he himself had publicly acknowledged.

MR. NEWDEGATE said that, except the right hon. Gentleman who had just spoken, perhaps he knew more of Mr. Stafford, and the circumstances to which allusion had been made, than any Member of the House. He, and an hon. Member now no more, Mr. Drummond, were charged with Mr. Stafford's defence in reference to the charges brought against him, which the right hon. Gentleman correctly said had nothing whatever to do with his death. The circumstances connected with that death were very painful; but they had nothing to do with the charges brought against him. Still, as Mr. Stafford's memory had been alluded to, he would say this—that had he been defended by his friends as he was assailed by his enemies his reputation would have stood very differently from what it did. Mr. Stafford, either from advice he received or from a feeling of delicacy towards other persons, declined the defence that was prepared for him. That defence would have been a defence of recrimination, and if it had been made by Mr. Drummond—as it would have been—and supported by himself (Mr. Newdegate), he was confident, that they could have shown that the acts, which the right hon. Member for Kerry said had gained Mr. Stafford an European notoriety, were not so singular as they were supposed to be. But Mr. Stafford had great delicacy on the subject; he wished no man's character to be blackened in his defence; and this was consistent with his high and honourable character. But he said, "As I have borne, so let me bear the blame; let there be no comparisons made in my defence." Had his defence been duly made, it would, he (Mr. Newdegate) repeated, have shown that others had pursued courses certainly not less exceptional. He would not hear Mr. Stafford's memory reflected on as having done something unprecedented in the history of Parliament. He did nothing more than had been done before, and it would be fortunate if they did not hereafter become aware of practices far darker than those with which Mr. Stafford's name was connected. It would be unbecoming on his part to suffer the House to entertain the belief that regret for what he had done hastened Mr. Stafford's untimely end.

MR. HERBERT said, the hon. Member had fallen into an error in ascribing an "European notoriety" to the charges that had been alluded to. He had stated that Mr. Stafford had gained an European reputation by his noble conduct in the Crimea.

COLONEL DUNNE said, he knew that, though the contract was made in England, no part of the transaction passed without the cognizance of the Earl of Eglinton, who was then Lord Lieutenant, and he (Colonel Dunne) could assure the House that he had taken every precaution and made every inquiry as to the probable success of the Company, which he felt would have succeeded, but for the Committee granted by the present Ministry, which suspended the subsidy. But Lord Eglinton saw that the Irish people had a right to direct communication with America, and recommended to the Government of Lord Derby to assist the undertaking for that purpose. Lord Eglinton exerted himself for the interests of Ireland, and there he was justly popular with all classes in that country. The noble Lord had referred to the good government of Ireland by the Ministry of which he was the head, and boasted of the benefits to Ireland, which resulted to Ireland from that good Government. There was no country less aware of these benefits. Was the income tax a benefit to Ireland? Was the increase of the spirit duties a benefit? Was the paper subsidy an advantage to it—a subsidy that was given on grounds more corrupt than they ascribed to the Galway contract? But he denied the assertion of the slightest corruption in granting that contract for the benefit of Ireland, the late Goverament had done but an act of justice, and from the moment the present Government came into office they had taken every means to break the contract for the purpose, if they could, of injuring their political opponents. Who was it said that wherever an Irishman set his foot there was an enemy of England? The master of the present Government—the hon. Member for Birmingham? Were the £5,000,000 raised for the defences of this country of any use to Ireland? What had they done for Ireland? Nothing, except raise her taxes to £11,000,000. They were always trying to take something from Ireland, and returning her nothing; that was the reason they were hated. What were the signs of the prosperity of Ireland? Why, her imports and exports had scarcely increased since the Union; her exports were not more than they were sixty years ago; and the noble Lord had the audacity to talk of the prosperity of Ireland, and ascribed it to his Government.

Question put, and *negatived.*

Words *added.*

Main Question, as amended, put and *agreed to.*

Ordered,

"That a Select Committee be appointed, to inquire into the circumstances attending the termination, by the Postmaster General, of the Postal Contract with the Royal Atlantic Steam Navigation Company."

COURTS OF JUSTICE BUILDING BILL.

THIRD READING.

Order for Third Reading read.

Mr. COWPER moved the third reading of the Bill.

Motion made, and Question proposed "That the Bill be now read the third time."

Mr. LYGON asked for some explanation with regard to it, and moved *pro formâ* the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."

Mr. COWPER said, the Bill was of a hybrid character, having in its provisions usually contained in a private Bill; it gave power to the Commissioners of Works to purchase the site for the erection of courts for the administration of the law. His hon. and learned Friend the Attorney General had given notice of his intention to introduce a Bill for the transfer of the funds requisite for this purpose, and until that Bill passed into law the measure now before the House would be inoperative. If it were lost by waiting for the money Bill, and had to be renewed another year, the cost of notices and solicitors' fees would have to be repeated.

Lord JOHN MANNERS said, he was reluctant to interfere with the progress of this "hybrid" Bill, but he thought its final stage ought not to be agreed to until the House was in possession at least of the outlines of the measure to be introduced by the Attorney General, on which its operation was said to depend.

The CHANCELLOR of the EXCHEQUER said, the Government were of opinion that the Bill ought to go forward this Session without any reference to what might become of the Attorney General's proposal. The latter was of such an extensive character that even had it been introduced it was impossible in the state of public business that it could hitherto have received attention.

Mr. COWPER ultimately consented to pospone the order for the third reading to the following Monday.

Motion and Original Question, by leave, *withdrawn.*

Third Reading *deferred* till *Monday* next.

House adjourned at a quarter after One o'clock, till Monday next.

HOUSE OF LORDS,

Monday, June 17, 1861.

Minutes.] Public Bills.—1ª East India Loan; Annoyance Jurors (Westminster).

2ª Edinburgh Assessments; Excise and Stamps.

THE GALWAY CONTRACT.

OBSERVATIONS.

The Marquess of NORMANBY, referring to the answer of the noble Earl the President of the Council upon his (the Marquess of Normanby's) Motion the other evening for the production of the Correspondence which had taken place between the Lord Lieutenant of Ireland and the Home Government in reference to the Galway Subsidy, said, that answer had received in Ireland an interpretation different to that which the noble Earl, doubtless, intended should be applied to it. This was obvious from the observations made on the last occasion by his noble Friend, connected with the Company of Galway (Earl of Clancarty). The fact of the case was that when a deputation of noblemen and gentlemen waited upon the Lord Lieutenant in reference to the expediency of continuing the subsidy, his Excellency gave them a distinct pledge that Her Majesty's Government should be fully informed of all the points which they urged. But when he (the Marquess of Normanby) moved for the Correspondence which he supposed the Lord Lieutenant entered into with Her Majesty's Government in pursuance of that pledge, the noble Earl (Earl Granville) denied that there was any such official correspondence in existence, whereupon he (the Marquess of Normanby) expressed his regret that his noble Friend the Lord Lieutenant of Ireland had not thought it consistent with his duty to make to Her Majesty's Government an official representation upon the subject, as, from experience, he knew that such was the most convenient and most satisfactory course to adopt. It was not necessary when, as in his own case, there was almost daily confidential correspondence with the Prime Minister, his late friend, Lord Melbourne, with whom he never had a difference of opinion upon any Irish subject. But he also knew that the most important despatches in reference to Irish policy were those which the late Marquess of Wellesley, while Lord Lieutenant, addressed to the Secretary of State when there was, he would not say a difference, but the shadow of a difference, between himself and the Ministers with reference to the policy to be pursued in that country. It was not his practice to allude to what took place elsewhere, but on the present occasion he felt called upon to do so in consequence of the new principle for the government of Ireland enunciated in a recent debate by one of the Ministers of the Crown himself, the Secretary of the Lord Lieutenant.

Earl GRANVILLE rose to order. He did not see how the matter referred to by the noble Marquess could in any way be taken as fixing the policy of Her Majesty's Government.

The Marquess of NORMANBY said, he did not pledge himself to the precise expressions used by the Chief Secretary; but the right hon. Gentleman was a Minister of the Crown, and any expression coming from him would limit the functions of the Lord Lieutenant who was his official superior. The right hon. Gentleman was understood to make a declaration to the effect that it was not considered desirable that the Lord Lieutenant should express any opinion upon the subject of the subsidy in question—a declaration the more extraordinary as being made after it was publicly known that a deputation, consisting of gentlemen of all parties in that country, had waited upon his noble Friend the Lord Lieutenant of Ireland in reference to the matter, and that he had told them that that was not the first time he had had the matter brought under his consideration, and that he had not waited until then to inform Her Majesty's Government of his opinions and sympathy in reference to it. From his own experience, he (the Marquess of Normanby) must say that if that was the footing upon which the Lord Lieutenant was to be placed it would be impossible for him to efficiently discharge the duties of his responsible office, and the sooner the office was abolished the better. Of all questions, this was certainly the one on which the Government ought to have consulted the Lord Lieutenant. No doubt it was not a purely Irish question; but the object of the Lord Lieutenant's office was to endeavour to cement Irish interests with Imperial policy; and if the doctrine of the Secretary of Ireland prevailed, very few noble Lords would be found in the future willing to undertake the duties of Lord Lieutenant. He would not now enter farther into that question than to say, that when the noble Lord the Secretary for Foreign Affairs, some years since, was preparing a Bill for the abolition of the office, he wrote to Paris to consult him (the Marquess of Normanby) upon the policy of the proposal, when he replied that it would be impossible on account of the numberless changes which it would occasion to carry the measure through as they proposed, but that he farther thought that till the two countries were in many respects more nearly assimilated, nothing could compensate for the advantage which the office of Lord Lieutenant secured of having always present throughout the year a statesman of weight and influence to be consulted on all Irish interests. He wished to know whether the noble Earl adhered to the statement that no official communications had passed between the Government and the Lord Lieutenant with reference to the Galway contract?

Earl GRANVILLE wished to remind the noble Marquess of the answer he had given the other evening. In reply to a Motion then made by the noble Marquess, for the Correspondence which had passed between the Lord Lieutenant and the Government on the subject of the Galway subsidy, he (Earl Granville) stated that there was no official correspondence on the subject. No doubt communications had passed between members of the Government and the Lord Lieutenant; but there were no official communications which could be produced to Parliament. He did not know whether the expressions said to have been used by the Chief Secretary in "another place" were correctly given; but if any importance attached to them, it was most irregular and inconvenient to bring them under the notice of their Lordships in the way the noble Marquess had done. He had, however, not the slightest hesitation in saying that the Government were in constant communication with the Lord Lieutenant, and that they received with great confidence and deference his opinion on all subjects connected with the general policy of Ireland. Very likely the Secretary for Ireland stated in the other House that it was not considered necessary by the Government to consult the Lord Lieutenant in regard to the Galway contract. The question was whether a contract with a Government department, the stipulations of which had not been fulfilled, should be terminated, and that was an Imperial question, and not one to be referred to the Lord Lieutenant. He was informed by his noble Friend the Postmaster General (Lord Stanley of Alderley) that it had never been the practice and had never been thought necessary to communicate with the Irish Government on matters connected with the management of the Irish Post Office. In this instance it would have been placing the Lord Lieutenant in an unfair position, to call upon him for an official communication which might perhaps have rendered him unpopular in Ireland. Such a course would have been very injudicious. He could not believe that the object of the noble Marquess was to sow dissension between the Lord Lieutenant and the Government, or between the Lord Lieutenant and his Secretary, though coming from another person such an intention might have been presumed from the remarks which had been made. He could only say that they were now, he believed, on the best terms, and, no doubt, the wish of the noble Marquess was that those cordial relations should continue.

THE EARL OF CLANCARTY said, that on a question of such great public interest, affecting as it did the industry of Ireland, the opinions of the Lord Lieutenant ought not to have been thrown aside and passed over as having no bearing on the question, as they appeared to have been by the Government; for he could not otherwise understand how the noble Earl should have said, when the noble Marquess on a former occasion asked for the production of this Correspondence, that there were no official papers on the subject. He admitted that the question was of Imperial importance—for whatever affected the interests of Ireland affected the interests of the whole kingdom; but that was an additional reason why the Lord Lieutenant should have been consulted on the discontinuance of the subsidy, as his predecessor had been consulted on its establishment. It appeared that when a deputation waited upon the Lord Lieutenant in Dublin on the subject, the noble Earl could only express his sympathy with those who addressed him, and promised to place their views before the Government. To state after this that there was no official correspondence was, in his opinion, to lower the position of the Lord Lieutenant in the eyes of the Irish people, besides subjecting to a severe strain the philosophy and forbearance of the noble Earl himself.

THE EARL OF LEITRIM said, he was not surprised that the noble Earl should have said that the production of the Correspondence would be very inconvenient—

EARL GRANVILLE said, he had not stated that the production of the Correspondence would be inconvenient; he said that there was none of a public nature.

THE EARL OF LEITRIM had certainly understood the noble Lord to say so. It appeared that an extraordinary line was drawn between official and non-official correspondence. He supposed the distinction was, that if the Lord Lieutenant, instead of beginning his letter with "My Lord," began "My dear Lord," "My dear Lord" held that correspondendence to be private and confidential, though it might be of vital importance to the whole empire. He deprecated this system, and he deprecated the imputation that the noble Marquess had brought forward this Motion with the object of producing discord among the Members of the Cabinet. If report spoke true there was enough of discord there already. In trying to avoid the production of the correspondence, the noble Earl had endeavoured to mislead the House. He had stated that the whole question was, whether a Company that had failed to perform its contract should continue to receive a subsidy. This he denied. The question was whether Galway should be a packet station or not, and it was indifferent whether the contract was held by one Company or another. It had been said of a former Irish Government that the Lord Lieutenant did all the dancing, the Chief Secretary all the hunting, and the Under Secretary all the correspondence. It was high time to consider how far the Irish Government should be reformed. Was it to be the only thing in the United Kingdom that was not to be reformed? The whole thing was a paradox. The Chief Secretary was a member of the Cabinet, and had to attend to his Parliamentary duties; the Lord Lieutenant remained in Dublin to perform all the popular demonstrations; but he was only nominally the head of the Government—he was no more than the channel of communication between the English Ministry and the authorities of Ireland. Step by step they were taking all power and authority out of the hands of the Lord Lieutenant. They had made him, in fact, a mere electioneering agent. Even now, after the important debates that had taken place on the question, a Minister in the Crown could state that the whole question was whether a Company that had failed in its contract should continue to receive a subsidy. This was not a fair way of putting the question. The question was whether the people of Ireland were to have any benefit from the Union or not—whether Ireland was to be treated as part of the United Kingdom or as a colony?

LORD **PORTMAN** rose to order. He protested against the noble Earl addressing their Lordships when there was no Question before them. Such a course was attended with great inconvenience to the public service.

LORD **BROUGHAM**: How does the noble Lord know that the noble Earl on the cross benches does not mean to conclude with a Motion for the repeal of the Union?

EXCISE AND STAMPS BILL.

SECOND READING.

Order of the Day for the Second Reading read.

Moved, That the Bill be now read 2^a.

LORD **BROUGHAM** hoped that Government would not lose sight of the important petition which he presented a few nights ago, signed by 12,000 persons, praying that in districts where two-thirds of the inhabitants desired it they might have power to prohibit the licensing of houses for the sale of intoxicating liquors within that district. The subject was one of the deepest social and national importance. That eminent philanthropist, Mr. M. D. Hill, declared that in all his attempts to prevent crime, to reform criminals, and to protect property, he found the demon drink starting up to thwart his efforts.

Motion *agreed to*; Bill read 2^a accordingly.

PROTEST ENTERED, 17TH JUNE,

Against the Passing of the Customs' and Inland Revenue Bill.

"Dissentient—

"1st. Because, whilst it is the manifest duty of Parliament to relieve the people from all unnecessary burdens, yet reductions of taxation are justifiable only when consistent with the efficiency of the public service, with the maintenance of public credit, when effected in strict accordance with constitutional principles, and with the independence and freedom of action of both branches of the Legislature.

"2nd. Because these indispensable conditions do not appear to have been sufficiently regarded or carefully adhered to, in the Bill now before the House.

"3rd. Because neither our late experience, nor any statements made in debate, nor any evidence produced in support of this Bill, afford sufficient proof that a surplus exists such as to justify Parliament in sacrificing £2,463,000 of net annual revenue, of which £1,330,000 is produced by the Excise on paper—a duty steadily progressive during many successive years—thereby proving convincingly that neither the amount of the tax, nor yet the law under which it is collected, have arrested production, and whilst prohibitions or the imposition by Foreign States of export duties on the raw material, check a natural fall of price, and the relief which might, otherwise, be given to the consumer.

"4th. Because it is the more unsafe to rely on the existence of an available surplus in the present year, justifying the abandonment of £2,463,000 of net annual revenue, when it is remembered that on the 10th of February, 1860, a surplus then estimated at £454,000 was, on the 15th of July, converted into a deficiency of £1,286,000; and that the excess of expenditure over income has, on the 31st of March, 1861, risen to the alarming amount of £2,558,384—a deficiency which would have been still greater had not (1st) the future receipts of revenue been anticipated by calling up duties on property, malt and hops to the amount of £3,148,000 (2nd) the Revenue been augmented by drafts on the Exchequer balance to the amount of £1,300,000; (3rd) by applying to the public service unexpected repayments of debt from a Foreign Power; and also (4th) by the consequence of the decision of this House in rejecting in 1860 the proposed repeal of the Paper Duties a decision made in the exercise of the undoubted rights and privileges of the House of Lords, and (lastly) the postponement of the payment of a debt of £1,000,000 due on Exchequer bonds.

"5th. Because it appears in a high degree improbable that, during the present year (with a future surplus which the most sanguine have not estimated as exceeding £408,000, or an expenditure of £69,875,000) our financial resources can be restored to that credit which befits our dignity or provides adequately for our national interests, in the present state of the continents of North America and of Europe. We may be driven again to draw on our Exchequer balances, again to postpone the payment of our lawful debts when due, or to pay them with borrowed money; the property and War Taxes may again be continued or augmented, and yet after resorting to these somewhat questionable expedients, services still unprovided for may require increased burdens; the commutation of the Stade Duties, the increased interest on Exchequer bills, which have too long remained at a discount, further sums required for the interest of the loan for our national defences, will all demand the attention of Parliament, and require to be placed upon a more secure foundation than the promised remittances from China, or the still more uncertain anticipations of the state of the weather during the next harvest.

"6th. Because, though it is proposed by the present Bill to repeal £1,133,000 per annum, property tax, and £1,330,000 duties on paper, thus establishing a somewhat plausible equality in the apportionment of relief between direct and indirect taxation, yet this will be found, on reflection, to be an equality, rather apparent than real; the first of these taxes being temporary, the latter permanent, and it hence appearing but too evident that any future national wants will be supplied by an increase and prolongation of the property tax, well described as fraught with 'political dangers leading to a conclusion that the income tax, though an admirable instrument for national purposes upon a great and national emergency, is a dangerous instrument in time of peace.'—[*Hansard's Debates*, 3rd February, 1859.]

"7th. Because, in addition to the preceding objections to the Bill before us, as arising from the present state of our finance and the inadequacy of the promised surplus of £408,000, objections equally serious, though of a different character, may be urged against the form which the measure assumes, and the mode in which it has been prepared.

"8th. Because the freedom and independence with which the two Houses of Parliament are enabled to perform their respective duties are essential to the dignity of each, and have invariably been appealed to by the highest legal and Parliamentary authorities, as indispensable to the harmonious working of our Constitution.

"9th. Because, though the rules of Parliament which preclude the annexation of distinct and contrasted subjects, as tacks to Bills of aid and supply, have been asserted and enforced by this House, yet it cannot be denied that precedents may be shown in which various financial measures have occasionally been united in one Bill, without the raising of any objection in this House. This will be found exceptional in some cases, as in the consolidation and re-enactment of existing laws, where no change is practically made in the amount of revenue raised; exceptional in others where the enactments embrace many thousand separate cases which could not, without great public inconvenience, be dealt with in distinct Bills. Some of these instances appear to be founded upon the questionable argument of convenience only; some to be highly dangerous in principle; and in all it behoves this House to watch with the utmost vigilance all such measures, and to guard strictly and firmly against a violation of the principle laid down in their Standing Order, 27th April, 1699, reasserted on various subsequent occasions, and now forming an important part of the law and custom of Parliament, and declaring—'That the annexing of any clause or clauses to a Bill of aid or supply, the matter of which is foreign to and different from the matter of the said Bill of aid and supply, is unparliamentary, and tends to the destruction of the Government.'

"10th. Because the same principle asserted in the Standing Orders of the Lords has received the most unqualified assent of high authorities in the Commons. In 1787 [*Hansard's Parliamentary History*, p. 508], in relation to the proposal of blending two distinct subjects in one Bill, Mr. Fox stated—'This would not only be a bad precedent for the Commons, but would as absolutely preclude the Lords from free debate, as if the Commons had followed the example of Cromwell, and silenced a necessary and Constitutional branch of the Legislature.' On a subsequent occasion the same high authority spoke 'of the difficulty in which the House of Lords would be placed by the blending of the two objects in one Bill,' adding that—'Instead of affording the Lords reason to complain of the Commons for narrowing their grounds both of debate and of voting, the House ought studiously to avoid giving cause for such complaint.'—[*Parliamentary History*, 1787.]

"11th. Because it cannot be urged that although a Bill of aid and supply and a Bill for a repeal of a tax both relate to finance, they are, therefore, to be considered as identical in their Parliamentary character, and fitting to be discussed in a combined rather than in a separate form. Practically these Bills are opposite and antagonistic. The one grants, the other takes away; the one adopts and recites the following preamble, which invariably distinguishes Bills of aid and supply from all other legislative proceedings—'We, your Majesty's dutiful and loyal subjects, the Commons of the United Kingdom, towards making good the supply we have cheerfully granted, do humbly beseech you that it may be enacted, and be it enacted by the advice and consent of the Lords and Commons, and by the authority of the same,' &c., &c.

"A Bill for the repeal of duties, on the contrary, neither has, nor logically or reasonably can have, such a preamble. It would evidently be absurd to recite as a grant that which is a diminution of taxation. The Assent of the Crown is also given to a Bill of aid and supply in the ancient form of '*La Reine remercie ses bons sujets, accepte leur benevolence, et ainsi le veult.*' To a Bill for the repeal of taxation the Royal Assent is given in the simpler but differing words of '*La Reine le veult.*'

"12th. Because the usual course taken by successive Ministers and Houses of Parliament has been to deal with the repeals of Taxes in separate Bills, and to send up the Bill for repealing taxation as a distinct measure. Of these precedents the following examples may be referred to:—

In 1802—Property Duty.
1822—Malt Duty.
1824—Salt Duty.
1830—Excise Duty on Beer.
1830 ,, ,, Leather.
1831 ,, ,, Printed Cotton.
1831 ,, ,, Candles.
1833 ,, ,, Starch.
1833 ,, ,, Tiles.
1833 ,, ,, House Tax.
1836—Excise Duty on Stained Paper.
1845 ,, ,, Glass.
1845 ,, ,, Auctions.
1850 ,, ,, Bricks.
1851 ,, ,, Window Tax.
1853 ,, ,, Soap.
1855—Newspaper Stamp Duties.

"13th. Because a practice of combining in one Legislative measure various and discordant subjects, more especially when the Bill is one of Aid and Supply, cannot but produce some risk that such Bills may be dealt with as a whole, and possibly rejected in consequence of some partial objection ; a result which, though strictly in conformity with the indisputable privileges of this House, may occasionally lead to public inconvenience, and to the danger of an interruption of that good understanding which it is of such importance to preserve unimpaired between the co-ordinate branches of the Legislature.

"Monteagle of Brandon
Rutland
Normanby
Carnarvon
Clancarty
Harrington
Mayo
Grinstead
Wynford
Lucan."

House adjourned at Six o'clock, till To-morrow Half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, June 17, 1861.

Minutes.] Public Bills—1° Courts of Justice Building Act (Money); Wills and Domicile of British Subjects Abroad, &c.

3° Transfer of Stocks and Annuities ; Accessories and Abettors ; Criminal Statutes Repeal ; Locomotives.

THE HOMELESS POOR.

QUESTION.

Lord **ROBERT CECIL** said, he rose to ask the President of the Poor Law Board, Whether his attention has been called to the case of two poor Women, brought up before the Worship Street Police Court on Friday last, who had been found in a state of great destitution on the pavement in front of the Whitechapel Workhouse, having been refused admission by the Master, and to the remarks of Mr. Knox, the Police Magistrate, who is reported to have said that such cases were of constant occurrence; and whether he has caused an inquiry to be made?

Mr. **C. P. VILLIERS** said, he had directed the Poor Law Inspector for the Metropolis to communicate with the Magistrate to whom reference had been made, who stated that he had been incorrectly reported. Mr. Knox did not cast any reflection whatever on the workhouses generally, or on the authorities connected with them, but simply referred to one particular workhouse—that of Whitechapel—of which he had on one or two occasions lately had reason to complain. As to the case itself, he believed there was also some inaccuracy in the report. The Superintendent of the casual ward admitted that two women were brought to him on the evening in question, but, as there was no room, he was unable to take them in. As to the statement in the report, that on the policeman taking the women to the workhouse they were there refused admittance without any allegation being made of want of room, the authorities at the workhouse had deponed on oath that the women never were brought there at all, and that they had never seen them. They also stated, that when the police brought cases of that kind to the workhouse they were invariably received, and produced a book, from which it appeared that within the last six weeks they had taken in no fewer than eighteen such cases which had been brought by the police. There was a difficulty in pursuing the investigation further, as the women, who were tramps, on receiving some gratuity from the magistrate went away, and it was impossible to find them.

ARMY—BREVET MAJORITIES.

QUESTION.

Sir **ARTHUR BULLER** said, he would beg to ask the Secretary of State for India, in reference to the Registered List of Officers of the Bombay Army serving in Bengal who have been recommended for brevet majorities on attaining the rank of regimental Captains, Why those officers of the Bombay Army now serving in the Bombay Presidency, and who have been equally recommended for the same reward, have not also been publicly registered ?

Sir **CHARLES WOOD** was understood to say that, in order to entitle an officer to the distinction in question, it was necessary that he should be recommended by the Commander-in-Chief in India, and that it had been conferred only on two Officers who had been so recommended.

NAVY—IRON-CASED SHIPS.

QUESTION.

Mr. **PERRY WATLINGTON** said, he wished to ask the Secretary to the Admiralty, Whether it is the fact that certain improvements in the construction of iron-clad Ships and in the working of their guns, proposed by Mr. Alfred Hamilton, have been lately under the consideration of the Board of Admiralty for two months, and have been rejected by the Board ? And whether there is any objection to lay Copies of the Reports and Correspondence of those Officials who have been charged with the examination of the said impovements before the House.

Lord CLARENCE PAGET said, that Mr. Hamilton had made two distinct proposals to the Admiralty—one for raising and lowering guns by machinery, and the other for a peculiar construction of iron-cased ships. Both had been under the consideration of the Admiralty, and in the opinion of the Board, neither was likely to be efficient in Her Majesty's Navy. The Board thought it would be decidely objectionable to produce the Reports and Correspondence, because, if that were done, it would be impossible to refuse a similar concession in the case of every other inventor whose proposal was rejected by the Government.

COUNTY SURVEYORS (IRELAND) BILL.

QUESTION.

Mr. BERNAL OSBORNE said, he wished to ask the Secretary for Ireland, Whether he intends to go on with this Bill that night?

Mr. CARDWELL said, he was most anxious to have it discussed as early as possible. He should make every endeavour to bring it on.

Mr. BERNAL OSBORNE: At what hour?

Mr. CARDWELL: I won't bring it on after twelve o'clock.

BANKRUPTCY AND INSOLVENCY BILL.

QUESTION.

Mr. HADFIELD said, he wished to to ask the hon. and learned Attorney General, What course he proposed to adopt with regard to this Bill?

The ATTORNEY GENERAL: I have not had an opportunity of communicating with Her Majesty's Government upon the results of the Amendments which have been introduced in the House of Lords. I am generally aware that what we sent up to the House of Lords as a complete Measure, has in point of fact been so dealt with, that not a single feature which appeared to me valuable in the Bill—["Order!" "Chair."]

Mr. SPEAKER reminded the hon. and learned Gentleman that the Bill had not come down from the other House.

CRYSTAL PALACE EXHIBITION.

QUESTION.

Sir GEORGE FORSTER said, he wished to know, What steps would be taken by Her Majesty's Government to prevent a repetition of the degrading exhibition of M. Blondin on Saturday last, so far, at all events, as related to the exposure of a child to imminent danger?

Sir GEORGE LEWIS: Sir, my attention has been directed to the circumstance to which the hon. Baronet has referred; and I am also aware that it is proposed to repeat the exhibition at the Crystal Palace to-morrow. I have in consequence caused a letter of warning to be written to the Directors of the Crystal Palace, by which, I trust, that the exposure to danger of a child of tender years may be prevented. I have a sanguine hope that the letter which has been written will be efficacious to that extent.

REMOVAL OF THE LAW COURTS.

QUESTION.

Mr. AYRTON said, he wished to inquire of the hon. and learned Attorney General, Whether, as there has as yet been no statement from the Government upon the subject, though notice has been given on the part of the hon. and learned Gentleman to bring in a Bill, he will put it as the first Order for Thursday, and make a statement as to the manner in which the Government propose to carry out their scheme? He would also call the hon. and learned Gentleman's attention to the Preamble of the Bill which the House was invited to pass, and which stands for a third reading. That Preamble contains the declaration that the House approves of the entire scheme which the Attorney General intends to submit.

The ATTORNEY GENERAL said, it was about three months since he had given notice of a Motion to bring in a Bill on this subject. He had begged and entreated that he might have an opportunity of bringing in that Bill, but the exigencies of the public business had been such that no opportunity had as yet been afforded him. He would mention the matter to his noble Friend at the head of the Government, and he hoped that an opportunity would be given him to bring the Bill in next Thursday. In the meantime the third reading of the Bill which had been referred to had better stand over.

APPROPRIATION OF SEATS (SUDBURY AND ST. ALBANS) BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 3 (Chelsea and Kensington to form a Borough to return one Member),

SIR FRANCIS GOLDSMID said, that he regretted to say that, owing to the indisposition of the right hon. Baronet (Sir James Graham) who had given notice of his intention to propose a clause conferring one of the seats on the University of London, he was unable to attend. Several persons, however, who took an interest in the matter had requested him (Sir Francis Goldsmid) to move a similar clause. But in consequence of the multiplicity of Amendments of which notice had been given, and of other circumstances, with a statement of which it was not necessary to trouble the Committee, he thought it best not at present to move the Amendment, the object of which was to give a Member to the London University. He would reserve to himself the right of making the statement to which he had referred at any time at which it might appear desirable that it should be made, and if, when the Committee arrived at the end of the Bill—if they did arrive at that point—a seat remained vacant, he would move a short clause giving it to the London University.

VISCOUNT ENFIELD said, that in the absence of the hon. Member for Northampton, he intended to submit the Amendment of which that hon. Member had given notice.

MR. T. DUNCOMBE said, he rose to move the insertion of the town of Burnley, in Lancashire, in the place of Chelsea, which had been struck out.

COLONEL DUNNE said, that his Amendment for the insertion of Cork preceded that of the hon. Member for Finsbury.

THE CHAIRMAN reminded the hon. and gallant Member that he was not in the House to take precedence. The hon. Member for Finsbury was now in possession of the Chair.

MR. VINCENT SCULLY said, he wished to know if he should be in order to moving that the Chairman should report Progress, and ask leave to sit again that day six months?

THE CHAIRMAN said, he understood that the hon. Member for Finsbury had possession of the Committee.

MR. T. DUNCOMBE said, that on Friday evening he asked the right hon. Baronet the Secretary of State for the Home Department whether he intended to proceed with the Bill, and, if so, what place he intended to substitute in it for Chelsea and Kensington. The answer was, that the Government intended to proceed with the Bill, and that they would state in Committee the substitute which they intended to propose for Chelsea and Kensington. The person who ought to be addressing the Committee was the right hon. Baronet. The House was in Committee, and he asked the Government what place they proposed to enfranchise instead of Chelsea and Kensington, which had been struck out? For his own part, he thought that the Motion to report Progress, or, which would have been better, to proceed to the other orders of the day, would have been a very proper Motion to have adopted. He could not understand Ministers bringing in a Bill of that sort for what they called Reform, though it certainly was a very trumpery measure, and submitting to the striking out of the first clause which gave representation to wealth and population without at once throwing up the measure. The consequence was that the Committee was about to be dragged through the mire of a parcel of propositions which were to be made one after another, without any prospect of arriving at a satisfactory result, and all the time which was so spent would be wasted. The right hon. Baronet the Member for Carlisle (Sir James Graham) desired to give a Member to the London University; but if such a proposition had been made he (Mr. T. Duncombe) should certainly have been inclined to move as an Amendment that Burnley should be put in its place. The wealth and population of Burnley entitled it far more than the London University to representation. The London University belonged to the district which he had the honour to represent, and, therefore, his vote would be unpopular; but he wanted to know what were the claims of the London University? It was said that it had the same claims as Oxford and Cambridge. Their right to representation was, however, conferred upon those Universities by charter, and if it was intended that it should possess them, why were not similar rights conferred in a similar manner upon the University of London? In the Reform Bills of 1852, 1854, and 1860, to the introduction of one of which the right hon. Baronet the Member for Carlisle was a party, Birkenhead and Burnley took precedence of the London University, and why should their position be changed? He called upon the Government to state the name of the place the claims of which they were prepared to support. The murder must be out that evening. He did not like the measure at all. It was a frittering away of the great cause of Reform. He would rather wait for better times, when the House of Commons would be obliged to do what they now refused. That House, though called together for the purpose of Reform, was not likely to pass a Reform Bill, and, therefore, the Government might ask what their duty was. He should say their duty was to bring in a good comprehensive measure of Reform, to ask the House to read it a second time, and, if they refused, to take the sense of the country. The hon. Member concluded by moving the insertion of "Burnley" in the place of "Chelsea and Kensington," which had been struck out of the clause.

SIR GEORGE LEWIS said, that he had stated upon a former occasion that the Government did not bring in this Bill as a comprehensive measure of Parliamentary Reform, they brought it in as a measure to supply the vacancies in that House, which had been occasioned by two Acts of Parliament, under the operation of which four seats had become vacant. That was the whole extent of their proposal, and they were now quite ready to go through the Bill, taking in succession the different proposals which might be made in the place of that which was negatived on Thursday evening, and to give the best opinion which they could upon each of them. As to this being a pitiful measure, as the hon. Gentleman had implied, he would only remark that if giving an additional Member to the great county division, the West Riding of Yorkshire and another to South Lancashire was a pitiful proceeding, then that word was properly applied to this Bill; but it certainly appeared to him from the Amendments of which notice had been given that there was on the part of different portions of the country no want of solicitude to obtain a representation in that House. The question before the Committee was, whether the seat which the Government had proposed to give to Chelsea and Kensington should be given to the borough of Burnley. There was no doubt that the town of Burnley was a considerable and an increasing place. The reason why the Government did not propose to assign a Member to Burnley was that Burnley was in North Lancashire, upon the border of South Lancashire, and that it was a manufacturing town, its principal industry being the production of cotton goods. The Bill already proposed to give one seat to South Lancashire, another to the West Riding, where much the same kind of manufacturing industry was carried on, and the third seat to Birkenhead; so that had the Government proposed to give the fourth seat to Burnley, they would all have been assigned to a limited district in Lancashire, Cheshire, and the West Riding. Therefore, though he did not dispute that the claim of Burnley to additional representation was entitled to consideration whenever a more extensive scheme was brought before the House, he did not feel justified, under present circumstances, in giving his support to the proposition.

MR. VINCENT SCULLY said, he thought it would have been very advantageous if the House at the outset of the discussion had agreed to the Motion of the noble Lord (Earl Jermyn) for adjourning the further progress of the Bill to that day six months. At present the Government were coy in proposing any fresh Motion, fearing they would suffer a further defeat, which they most certainly would; while hon. Gentlemen with a favourite seat to propose were equally coy in commencing the battle, hoping that when all the other Motions had been disposed of, their's might be accepted as a *pis aller*. Hon. Members must regret the illness of the right hon. Baronet the Member for Carlisle, but it certainly was fortunate for the University of London that he was invalided, because, as his Motion was the first to come on, unquestionably he would have been the first to be defeated. The Scotch Members, with the shrewdness which distinguished them, put their heads together and abstained from giving notice of any Amendments which would come on early in the debate, intimating their intention of proposing certain clauses, which they would try to carry after the other Amendments had run their course and been defeated. It was not fair on the part of the Government to leave matters to proceed in this confused manner. To put an end to this state of uncertainty he very much wished that somebody would move to report Progress. Hon. Members behind him suggested that he should do so himself, but as he had a proposition to make he would leave that very popular Motion to them, by way of Amendment, and he should be very happy to vote in its favour. With the consent of the hon. Members for the Queen's County and Dungarvan, he should move that the blank be filled up by inserting "the county of Cork," and if it had not a good case the Motion might as well be negatived and its advocates be put out of pain. He did not see how it was possible to reject the claim which the county of Cork possessed, unless the House adopted the principle laid down by the right hon. Gentleman the Home Secretary the other night, that these being English seats, Ireland need not expect any share of increased representation. He had never advocated the repeal of the Union, but if it were once understood that the different portions of the United Kingdom were not to be identical in rights and privileges, he should advocate a complete and actual severance, as far as was consistent with loyalty to the Queen. He based his claim to a third Member for the county of Cork upon figures taken from *Thom's Almanack*—the most accurate work on this subject which he could find; and if Ireland had any representative in the Cabinet attention would undoubtedly have been directed to the subject. Excluding the city of Cork and the other boroughs already represented, he found that the county of Cork contained of property rated under Schedule A £832,045, 15,716 electors, and a population in the year 1851 of 563,576. The county Down stood next in point of property and number of electors, but was deficient in population. Tipperary was third in wealth and number of electors, and second in population. He had heard it said that Mayo was by some considered to have a stronger claim to increased representation, but a brief comparison would show that this idea was mistaken. Cork contained £832,000 worth of property; Mayo only £224,000; Cork had 15,700 registered electors, while Mayo had only 3,779; the population of the county of Cork was 563,000, while that of Mayo was but 274,000. Again, it was said that Cork, taking into account its borough Members, returned a sufficient share of representatives to that House. In respect of population, valuation, and acreable extent the county of Cork might be regarded as one-tenth of the whole of Ireland; yet the number of Irish representatives was 105, while Cork, including the city and boroughs, had only eight, of which the county had only two. He did not want to take a Member from any other Irish constituency, but he wished to have an additional Member given to the county which he had the honour to represent. He believed that Cork had a more overwhelming case than could be made for any other county; and, therefore, he hoped his proposal would receive the support of the Irish Members. Then, as regarded the English counties, the county of Lancaster, including its boroughs, had no less than twenty-six Members, and there was a proposal on the paper to give it another. ["Divide, divide!"] If hon. Members wished him to sit down he would do so; but it was not fair to refuse him a hearing after he had been at the trouble of making up his case. He was about to state facts which were already known to himself; and, therefore, if he were not allowed to state them, the loss would not be his but that of hon. Members who refused to listen to him, and who were at present ignorant of that which he wished to tell them. He ought not, perhaps, to accuse the Committee at large of interrupting him; for he believed the buzz of "Divide" came from two or three Members on the back benches. He had gone carefully through the English and Scotch counties; but had not found one of them that could contest with the county of Cork the claim for another Member. Comparing the county of Cork with what were called the "unicorn" counties of England, returning each three Members, he found that it was superior to any one of them in regard to valuation, to number of electors, and population. He hoped, therefore, that the Government would come forward and manfully declare in favour of Cork, and he could assure them that if they did so it would go far to do away with that unfavourable opinion which he had been forced to form of them, especially with regard to their Irish policy. He did not see how the refusal to give Cork an additional Member could be justified, except on the disloyal principle laid down the other night by the right hon. Gentleman the Home Secretary, that Ireland was a distinct and separate country, and not to be treated as an integral part of the empire. He trusted no one would oppose his proposition on the ground that the county of Cork would return a Catholic to that House. The hon. Member for Westmeath stated it the other night as a fact, that, while Protestant constituencies never returned Catholic Members, Catholic constituencies were often found returning Protestant Members. This fact was strongly borne out by Mr. Massey in his *History of the Reign of George III.*, in which he said that while Dissenters of every kind were elected by the English people, and had no difficulty in finding seats, yet "during the thirty years that followed Catholic Emancipation, not more than two or three Roman Catholics had been sent to Parliament by Protestant constituencies." The county of Cork and its boroughs returned eight Members; and of these eight the Catholics might, if they chose, return seven. Perhaps they could not return a Catholic Member for Bandon. That borough returned a good Tory Protestant of the right sort. The borough of Youghal returned a Liberal Protestant, and Kinsale sent a Liberal Presbyterian. The Catholic borough of Mallow returned an Ultramontane Protestant, and the Catholic constituency of the county of Cork returned as his colleague a Gentleman whom he might also describe as an Ultramontane Protestant. ["Divide!"] He knew that in dilating on the unwillingness of Protestant constituencies to elect Roman Catholic representatives he was uttering unpleasant statements; still, the House of Commons was the fairest audience in the world, and if he had uttered equally unpalatable statements to any audience elsewhere, he should not succeed in getting an audience at all. He also could joke and jest when he chose, but he wanted the right hon. Gentleman the Home Secretary to answer his figures, and to state some better reason why the county of Cork should not have an additional representative. He defied contradiction when he asserted that the Roman Catholics exercised the franchise in a more ultra-liberal manner than Protestant electors. Perhaps no Irish Catholic candidate had ever had sufficient spirit to present himself to an English constituency. If he were rejected for a Roman Catholic constituency he might try some English constituency like Marylebone, in order to see whether there were not some really liberal constituencies in this country. It might be said that Protestants would not elect a Roman Catholic because, although there were liberal Protestants, there were no such persons as liberal Roman Catholics. But many Roman Catholics were kept out of Parliament at that moment because they would not adopt the politics of the Ultramontane party. While there were Protestants too liberal for Irish Protestant constituencies, there were, on the other hand, Roman Catholics who were quite liberal enough to represent English Protestant constituencies. There were Roman Catholics who, although attached to their religious creed, altogether dissented from the Ultramontane policy in Italy. If the Committee would bear with him he would read—[*cries of* "Oh!"] He was saying what would, perhaps, be unpopular among his constituency, and, if the Committee stopped him, he must not hereafter be charged with concealing his opinions on this subject. He had that morning cut out of a Cork newspaper of Saturday a statement by a writer who would not object to his name being quoted. ["Divide, divide!"] It was difficult to address that House. It had been said that eloquence was rather in the audience than the speaker. He, therefore, defied any Irishman to attempt to be eloquent in that House. As soon as he got under way some hon. Gentleman on the back benches always interrupted him in a rude manner. He wished that hon. Members would not interrupt him until he had done, to use an Irish mode of expression. [*Cries of* "Agree!"] If hon. Members would not hear him he might as well sit down. The hon. Member concluded by moving to insert "County of Cork," in lieu of the words "Parishes of Chelsea and Kensington in the," which had been struck out.

THE CHAIRMAN said, the hon. Member could not put his Amendment until the other propositions before the Committee were disposed of.

MR. AYRTON said he rose to move that the Chairman should report Progress, because he thought something was due to the House from Her Majesty's Government in order to extricate them from the state of bewilderment in which they were placed by the four propositions which had been submitted to the chair. First, they had the proposition of the hon. Member for Reading (Sir Francis Goldsmid); then came the noble Lord, the Member for Middlesex (Viscount Enfield), who shadowed out a proposal, but did not make one. The hon. Member for Finsbury (Mr. Duncombe) next followed with a statement in favour of the proposal, which he did not intend to have put, but which was accidentally put by the Chair; and, lastly, the proposition of the hon. and learned Member for Cork (Mr. V. Scully), which could not be put from the Chair. On a former occasion he had suggested that the hon. Member for Northamptonshire (Mr. Knightley) should go on with his proposal, but the Government had then desired Progress to be reported, in order that they might consider what course should be adopted. It was generally expected that the Government would come down to-day and make a statement of their intentions in regard to this Bill. The Government submitted to the Committee a distinct proposal for dealing with the four seats, and he should have thought that it was intended to stand as a whole; but as the proposal was negatived in part the Committee was now entitled to ask the Government what step they intended to take for filling up the vacancy thereby created in the plan. In dealing with a Bill which affected the constitutional Government of the whole country, was there to be a scramble for the seat among different Members, while the Government only gave utterance to vague expressions which would not commit them to anything, leaving the House to get out of the difficulty in the best way it could? That was a case with which no private Member could deal properly, and it was the bounden duty of the Government to consider, according to the great principles of justice, what should be the representation of the country. He, therefore, made the Motion for reporting Progress, in order to invite the noble Lord the Prime Minister to inform the Committee what were the intentions of the Government with respect to the four seats, and unless he got some distinct answer he should divide upon the Motion.

Sir GEORGE LEWIS said, that the difficulty of which the hon. Member complained had not been in any way created by the Government, nor were they responsible for it. The difficulty had arisen out of the course, the unusual nature of which he had pointed out when the Motion was made, of moving to omit certain words in the clause without proposing to substitute other words for them. The consequence was that a blank had been created which different hon. Members proposed to fill up in different ways, and it was necessary that their Motions should be taken in the order of precedence. It was not in the power of the Government to prevent those Motions being made. The Government were perfectly ready to state their views upon each Motion as it was made. The Motion before the House was that the blank should be filled up by "Burnley," and if the hon. Member for Finsbury should press that Motion he (Sir George Lewis) should give his vote against it. With regard to the question of the county Cork, they had virtually divided on that—but if the Motion should be repeated he would be quite prepared to state his views upon it. Whenever the Motion of the noble Lord, the Member for Middlesex (Viscount Enfield), or that of the hon. Member for South Northamptonshire (Mr. Knightley) should be made the Government would be ready to vote in favour of the proposition for giving a third Member to Middlesex.

Mr. DISRAELI said, that after the course which he had taken a week before of persuading his Friends to support the Motion then made to report Progress, he would take the liberty of making one remark. Certainly on that occasion he was under the impression, and he thought the House largely shared in it, that the Government intended generally to consider their position with regard to the clause, so that when the House went into Committee again, they would receive a distinct statement on the subject from the Government. What the right hon. Gentleman the Secretary of State repeated to night—namely, his complaint as to the manner in which the opposition, the successful opposition, to the proposition of the Government as to the representation of Chelsea was to be regarded—appeared to him not to be sound. The course taken might have been inconvenient to the Government, but no one would pretend that it was unusual or unparliamentary. It was adopted with a due regard to precedent by the Gentleman who made the proposition, and no one questioned the full right of the hon. Member for Northamptonshire. It was undoubtedly inconvenient for the Government that the Amendment should have been carried; but the resistance to the proposition on the part of the Government did not denote that the success of the proposition was an event of which they had not in some degree contemplated the probability. But although that success was inconvenient to the Government in the previous week, that was no reason why the Government should not, in the interval, have considered their position, and upon that question of all others—the representation of the people in Parliament—have been prepared with some suggestion which would have served as a guide to the House. If the Government were responsible for anything they were responsible for the policy pursued on that question. They had to consider the due distribution of the representation in the north and in the south, in the urban and in the rural population; they had to consider whether there were distinct interests not represented, or not adequately represented at that moment. These considerations formed the peculiar province of statesmen, and of a Cabinet of statesmen, who, if they did not bring forward large and comprehensive measures, had at least on some of these points taken large and comprehensive views. But if the whole matter was simply to be thrown down into the centre of the House, for any Gentleman, who considered he could bring forward a title for a share in the four seats, to take up, without due reference to the general interests of the community, there would be no end to the inconvenience in reference to public business, and there might be possible injury to the public welfare. He, therefore, intreated the Government to assume the responsibility which belonged to them, and bring before the House some proposition made with their authority. The Government had no right to complain of the manner in which the proposal respecting Chelsea and Kensington was treated by the House. The debate was not of a character, especially on the part of the Government, to convey to the House the conviction that the proposition was one which the Government were anxious to enforce with all the weight of their authority and position; but let them profit by the lesson, let them well consider the subject, and again bring forward a proposal on which he did not say that there should be staked the existence of the Government (which the Government always fancied in danger when advice was given), but with respect to which they might say that they sincerely believed that its acceptance was of importance to the general welfare; and he was bound that the House would give it a fair consideration. If Government were not prepared to pursue that course, then he thought that the best step the Committee could take would be to assent to the Motion of the hon. Member for the Tower Hamlets. He did not wish the Committee to come to a conclusion hostile to the Government, but he would suggest that they should name a day for resuming the Committee, when they would submit their proposition to the House, and the House would give it fair and ample discussion.

Viscount PALMERSTON said, he begged leave to assure the right hon. Gentleman and the Committee that the Government made no complaint of the manner in which the debate was conducted on a former evening. Those four seats having been long vacant, the Government thought it their duty not to let the Session pass without proposing to the House a measure for allotting them. They chose four places which, in their opinion, were fitting to receive these four Members. The House appeared to the Government to concur with them in regard to three of them. With regard to two there was an actual vote; with regard to Birkenhead it seemed to be generally agreed that that was a fit place to receive a Member. The House disagreed with the Government in regard to Chelsea and Kensington. The right hon. Gentleman might have wished that decision should be considered as a decision determining the fate of the Government, but other hon. Members having proposed places in lieu of Chelsea and Kensington, the Government did not wish to impose a heavier responsibility upon those who, however reluctantly, were prepared to assume it. There being now several propositions before the House as to places to which different Members suggested that this single seat should be given, the Government had taken into consideration which of the propositions was on the whole the best suited for adoption by the House, and his right hon. Friend the Home Secretary had stated that the Government were prepared to support the proposal of the hon. Member for Northamptonshire, that a third Member should be given to Middlesex. He hoped that the House would concur with the Government in supporting that proposition, and he trusted that it would not be necessary for the Government to pursue the course indicated by the right hon. Gentleman of adjourning the debate further for the purpose of considering some great and comprehensive measure as to the disposal of one single and solitary seat. Such were the intentions of the Government, and when the hon. Member for Northamptonshire submitted his proposition to the House it should receive their support.

Colonel WILSON PATTEN said, he wished to observe that he had that morning received a communication from his constituents at Burnley, complaining of a statement which had a few evenings before been made by the Secretary for the Home Department to the effect that the population of that town amounted to—he believed it was—only 26,000 persons. That statement must, he felt assured, be the result of some misapprehension on the part of the right hon. Gentleman, for it appeared that the population of Burnley was at least 38,000, and that if a somewhat larger district were taken it would amount to nearer 40,000. He had also been requested to call the attention of Parliament to one or two facts. The borough of Burnley had always stood the first in the list of those boroughs to which in any scheme of Parliamentary Reform, from the first Reform Bill down to the present time, it had been proposed to give a representative. Even in 1832 it was discussed in the Cabinet of the day whether Burnley should not have a Member. The decision was against the town. But in every Reform Bill since introduced Burnley had stood first. In the Bills which the noble Lord the Member for the City of London had introduced since Burnley stood first; it was first in the Bill introduced by the Government of the Earl of Derby; and at the present moment the inhabitants felt that the town ought to have been placed among the four places now selected for a representative. The case now rested in the hands of the hon. Member for Finsbury; but that hon. Gentleman was, he thought, putting it in a somewhat disadvantageous position by taking so early an opportunity of pressing its claims on the attention of the Committee. It would seem that there was to be a regular scramble for the seats to be disposed of by the Bill, and, under those circumstances, those towns would, he believed, stand the best chance the names of which came last on the list. Be that, however, as it might, if the hon. Member for Finsbury went to a division he should give him his support.

SIR GEORGE LEWIS: Burnley is not yet included in the returns of the census of this year. The numbers I quoted are given correctly from the Return of 1851, 20,828; and Birkenhead, in the same return, is placed the highest, 24,175.

COLONEL WILSON PATTEN: That was Burnley Proper. The error, no doubt, had arisen from the population of an adjoining parish to Burnley, but forming part of the borough, having been given separately.

MR. T. DUNCOMBE said, that when on Friday the Committee rejected the claim of the University of London he inquired whether Government intended to support the proposition of giving an extra Member to Middlesex, and if they had replied in the affirmative he would not have moved the insertion of "Burnley." The four vacancies had been created in borough representation, and he thought, therefore, that the seats ought to have been given to the other boroughs. He could not see that Ireland had the least claim; but Chelsea having been negatived it had been proposed to give the seat to the county of Middlesex, and he should withdraw his Motion in favour of Burnley in favour of that proposition.

COLONEL FRENCH said, he thought no course could be productive of a more useless waste of time than to leave it to hon. Members generally to set up ninepins to be bowled down one after another at discretion. If, therefore, the Government should be a second time beaten in supporting the claims of a particular locality he hoped they would abandon the Bill.

SIR GEORGE GREY said, the course proposed by the hon. Member for Finsbury (Mr. T. Duncombe) was the one proposed by his right hon. Friend the Home Secretary. In the middle of the debate the hon. Member for Northamptonshire moved to omit certain words, and did not propose to fill up the vacancy with other words particularizing the place he wished to insert. The hon. Member for Northamptonshire would, no doubt, bring on his proposal as to Middlesex as soon as he had the opportunity, but so long as any hon. Member had an Amendment to come earlier it could not be submitted. If the hon. Member for Northamptonshire was allowed to propose the insertion of the words of which he had given notice as to the county of Middlesex, it would form a substantive Amendment. But it was not in the power of Government to overrule the forms of the House.

MR. DISRAELI said, he must beg leave to differ with the right hon. Gentleman. The course proposed was exactly contrary to that taken by the right hon. Gentleman the Home Secretary. If the view of the right hon. Gentleman was right—and he did not dispute it—it showed that the repeated complaints of the Home Secretary as to the conduct of the Committee had no foundation whatever. It seemed that now it was held that the course taken by the hon. Member for Northamptonshire was not an unusual and inconvenient course, but the only course he could adopt.

LORD JOHN RUSSELL said, he did not understand that his right hon. Friend (Sir George Lewis) had blamed the hon. Member for Northamptonshire. That hon. Gentleman stated the reasons why he thought Chelsea should not have the Member, and he gave some of the reasons why he thought Middlesex should have a third Member. The Government proposed, when he (Mr. Knightley) brought forward a Motion to give a third Member to Middlesex, to support that Motion, their own original proposition which they thought best not having met with the favour of the Committee. Nothing was more regular than the course adopted.

Mr. CAVENDISH BENTINCK said, if ever he understood anything distinctly, it was that the right hon. Gentleman the Home Secretary had complained, and, on more than one occasion, of the course taken by the Members of the House. Therefore. he was now very glad to hear the admission of the right hon. Baronet that he concurred in the views of his right hon. Friend. But he agreed with the hon. Member for Finsbury that a great deal of valuable time had been lost; and if the noble Lord at the head of the Government had made earlier the communication which the Committee had just heard from him, the whole of the early part of the discussion might have been saved. The first statement was that the Government were prepared to accept any Amendment. It was quite clear hon. Members had, without knowing it, been present at the sitting of a Cabinet Council within the last hour or two, and that upon the Treasury bench the steps which the Government intended to take with respect to the point under discussion had within that time been decided upon. He regretted that the Cabinet had not met and considered the subject a little sooner.

Viscount PALMERSTON said, the hon. Member opposite had misrepresented his right hon. Friend the Secretary of State. The Committee would recollect that his right hon. Friend stated distinctly that it was the intention of the Government to support the proposition of the hon. Member for Northamptonshire.

Sir JOHN SHELLEY expressed his belief that unless the Government pledged themselves, in the event of the proposition of the hon. Member for Northamptonshire being negatived, to withdraw the Bill, the claims of the county of Middlesex would be more regarded than those of Chelsea and Kensington. Whatever proposition were made, there were thirty-seven Scotch Members who would still adhere to their wish to have the Scotch Universities represented.

Mr. AYRTON said, he trusted the Committee would permit him to withdraw his Motion for reporting Progress, as the object of it had been attained by the statement of the Government that they intended to give a third Member to Middlesex.

Motion, by leave, *withdrawn.*

Mr. KNIGHTLEY said, he then rose to move that a third Member should be given to Middlesex.

Mr. BLACKBURN said, he rose to order. He had an Amendment to propose which appeared on the paper before that of the hon. Member for Northamptonshire. The Amendment which he wished to submit to the Committee was the second of those of which the right hon. Baronet the Member for Carlisle (Sir James Graham) had given notice—namely, to "leave out from 'county' in line 29, to 'borough' in line 31, inclusive." The substantial effect of that Amendment, if adopted, would be to dispose of the claims of the county of Middlesex to a third Member. It was, in fact, a direct negative to the proposition which the Government had announced their intention to support. He did not think that a third Member was a good thing for any county; but, if he had to make a choice, he should prefer the West Riding of Yorkshire to Middlesex. There was another constituency, however, which he thought had stronger claims still — he meant the Scotch Universities. Middlesex was almost part of the Metropolis, and the Committee had already decided that no addition should be made to the number of metropolitan Members.

Sir GEORGE GREY said, that the Amendment proposed by the hon. Member for Stirlingshire would only plunge the Committee into greater confusion than before. It was part of an Amendment of which notice had been given by the right hon. Baronet the Member for Carlisle, and its adoption would leave the clause without any meaning, unless the hon. Gentleman followed it up by proposing the insertion of words in lieu of those which had been struck out—namely, "parishes of Chelsea and Kensington."

Mr. BLACKBURN said, he thought he had sufficiently distinctly expressed his preference for the Scotch Universities. The hon. Member for Perth (Mr. Stirling) had given notice of an Amendment to insert the Scotch Universities, and he (Mr. Blackburn) wished to clear the way for him.

Mr. NEWDEGATE said, that so far as he was able to see, the claim of the West Riding to the fourth seat was the strongest; but the House had decided against that. [*Cries of* "No, no!"] He hoped the House would not be induced to stultify its proceedings, as he thought there was some danger of doing. Next to the claims of the West Riding, there was none so valid as those of the county of Middlesex. He was born in that county, and he had had the honour of sometimes acting as Chairman of its Conservative registration, and, therefore, he felt that he addressed the Committee with a knowledge of the circumstances of that county. He rejoiced most sincerely that Her Majesty's Government had adopted the second best case among the counties of England. He hoped then that his hon. Friend the Member for Northamptonshire would be allowed to proceed with his Motion.

LORD JOHN RUSSELL said, the hon. Member for Stirlingshire was evidently endeavouring to get rid of the clause altogether. He ought, therefore, to reserve his proposal until they came to the end of clause, and meanwhile the hon. Member for Northamptonshire should be allowed to proceed with his Amendment.

MR. BLACKBURN said, on that understanding he would withdraw his Amendment.

MR. KNIGHTLEY assured the Committee he would not detain them more than a very few minutes. The population of Middlesex, including the City of London and the represented boroughs was, according to the last census, £2,205,771; the next largest was the West Riding, and then South Lancashire. They had already given one additional Member to the West Riding and one to South Lancashire; and he thought the claims of Middlesex, on the grounds of population, property, and importance, unquestionably came next. The proposal of the Government was to enfranchise Chelsea and Kensington, but he did not see why those two parishes should have a monopoly of the new Member to the exclusion of the remaining population. His right hon. Friend the Member for the University of Cambridge had suggested that Middlesex should be divided, and that each division should return two Members. He cordially concurred in that suggestion. He thought it much preferable to any other proposal which had been made; but then they must cut their coat according to the amount of cloth they possessed. He ventured to submit his proposition with great deference, but, upon the whole, he thought it a fair compromise between the claims of the northern and southern parts of England on the one hand and of the towns and counties on the other. He should, therefore, move to leave out from "shall" in line 30 to "serve" in line 33; and insert "be entitled to return three Knights of the Shire instead of two."

Amendment proposed, in line 30, to leave out from "shall," to "to," in line 33, and insert the words "be entitled to return three Knights of the Shire instead of two."

VISCOUNT ENFIELD said, the figures quoted by the hon. Gentleman included the City of London and the represented boroughs; but he was prepared to show that, excluding London and the represented boroughs, Middlesex had the next claim after the West Riding of Yorkshire. He was free to say that the West Riding had, perhaps, a higher claim; but, after the West Riding, he repeated the county of Middlesex had the strongest claims to additional representation. If they gave two new Members to the West Riding, the whole four would be assigned to the north of England, and it was a fair compromise to give one of them to Middlesex. There were seven counties which returned three Members—Berkshire, with 4,847 electors; Bucks, with 5,774 electors; Cambridgeshire, with 7,157; Dorsetshire, with 6,723; Herefordshire, with 7,722; Herts, with 6,071; and Oxfordshire, with 5,123 electors. Now, Middlesex had 15,328 electors, and North Lancashire only 12,183 electors. There were fifteen counties—Cheshire, Cornwall, Cumberland, Derby shire, Durham, Essex, Hampshire, Leicestershire, Northamptonshire, Northumberland, Suffolk, Surrey, Sussex, Warwickshire, and Worcestershire—all returning four Members, and with fewer electors than Middlesex. The annual value of property rated under Schedule A, not within the limits of a Parliamentary borough was —in Middlesex £1,616,405; in North Lancashire, £1,269,367; in South Derbyshire, £1,541,024; in Parts of Lindsay, £1,525,925; and in West Kent, £1,356,859. The gross estimated rental not within the limits of a Parliamentary borough was, in North Lancashire £1,304,991, and in Middlesex £1,819,569. The population not within the limits of a Parliamentary borough was, in North Lancashire, 316,804, in Middlesex; 283,256. North Lancashire was larger in population but less than Middlesex in the number of electors, contributions to Schedule A, and gross estimated rental. He took these figures from three Parliamentary Returns, No. 141, February 17, 1859; No. 131, March 1, 1860; and No. 400, June 22, 1860; and he ventured to think they made out a strong claim in favour of an increase to the representation of Middlesex.

Sir JOHN PAKINGTON thought it very desirable that the Committee should not come to a decision on the question under an erroneous impression of what was to follow. His hon. Friend the Member for North Warwickshire (Mr. Newdegate) was mistaken as to the cause of the West Riding of Yorkshire being disposed of. It was quite true that the Motion of the hon. Member for Knaresborough (Mr. Collins) had been negatived, but that hon. Member had on the paper a notice to move a clause, when the proper time came, to give another vote to the West Riding of Yorkshire. He must in candour say he agreed with the noble Lord (Viscount Enfield) that the claims of Middlesex were strong, and perhaps the best course would have been to divide the West Riding and Middlesex, and to give to each two Members. But that had not been done. He did not take the view of his hon. Friend the Member for North Warwickshire, but would oppose every proposition in order to support that of the hon. Member for Knaresborough, in order to give another Member to the West Riding.

Mr. COLLINS said, he intended distinctly to raise the question whether the West Riding should or should not be divided. That question had not been decided. The only question which had been decided was that Clause 1 should not be postponed. If the West Riding were divided, one division would have 21,000 electors and another 19,000, while the area of the West Riding was some hundredfold larger than that of Middlesex. Yorkshire stood first on the list for increased representation; and those who agreed with him were entitled to vote against every proposal until a fair measure of justice were meted out to the West Riding.

Sir GEORGE LEWIS said, he must remind the hon. Member for Knaresborough that the first clause had been agreed to, which assigned three Members to the West Riding and three to the Southern Division of Lancashire. That clause assumed that the West Riding, for the purpose of electing three Members, should not be divided; and if the hon. Member proposed that the Riding should be divided, it could only be for the election of a fourth Member, who could only be elected after the present Parliament.

Mr. COLLINS: We should be quite prepared to wait that time.

Mr. DISRAELI said, he would remind the right hon. Baronet that, though the Committee had arrived at the resolution to which he had referred, and passed the first clause, the hon. Member for Knaresborough would have a legitimate occasion to propose the clause of which he had given notice on bringing up the Report. Although the Committee had agreed, the House had not agreed that the West Riding should not be divided. He, himself, entirely objected to the principle of increasing the representation of counties by plurality of votes. He thought two Members enough to represent any place. In 1859, when he had the honour to bring forward a larger measure for the amendment of the representation of the people, there was a very general feeling in the House in favour of the view, that Members were sent to Parliament not to represent the power, but the opinions of a place, and two Members were sufficient for that purpose. If they once admitted plurality of votes in the representative body he did not see at what point they were to stop. It was very true that precedents were made in 1832, but they were bad precedents. The county he had the honour to represent was one of them. It had three Members, and had been placed in a very false position by that arrangement. He did not agree with respect to the Resolution which the Committe had passed, and he should support on the Report the Motion of the hon. Member for Knaresborough. In the present case he should certainly vote against giving a third Member to Middlesex, although it was not from want of appreciation of its claims and its importance, because had there been any arrangement brought forward to divide and give Middlesex two new Members, he should have been ready to support it.

Mr. VINCENT SCULLY said, he disapproved of the unicorn system, though he wanted a third Member for Cork, but then he wanted to divide that county afterwards. He went further than the right hon. Gentleman, and thought one Member sufficient for each place. He rose, however, to call attention to the fact that the county of Cork had a larger number of electors than the county of Middlesex. The Committee, by a previous division, had virtually decided not to give any more Members to Middlesex.

MR. HUMBERSTON said, he wished to correct a statement which had been made by the noble Lord the Member for Middlesex (Viscount Enfield). He had no doubt that the noble Lord was right in saying that the number of electors was somewhat greater in Middlesex than in Cheshire. But the difference in that case was not a wide one; and it should be remembered that while Cheshire had only three boroughs returning Members Middlesex returned sixteen borough Members.

MR. NEWDEGATE said, that he had to remind the Committee that Middlesex, which had a population of 2,000,000, was represented by only two Members, and that the labouring classes were being gradually driven out of the Metropolis into the surrounding country. Under these circumstances he believed that the Committee, by adopting the proposal under its consideration, would be giving a Member to the labouring population of the Metropolis; and he knew no claim so strong as that of Middlesex to obtain an addition to the number of its representatives.

Question, "That the words proposed to be left out stand part of the Clause." Put and *negatived.*

Question put, "That the proposed words be there inserted."

The Committee *divided:*—Ayes 186; Noes 236: Majority 50.

SIR GEORGE LEWIS said, that after the successive operations of which the clause had been the subject, he believed nothing remained but a few unintelligible words. The best course would, therefore, be simply to negative the clause and proceed to the next.

Clause *negatived.*

Clause 4 (Birkenhead to form a Borough to return One Member),

VISCOUNT PALMERSTON: We have presented to the House and successively supported what we believed to be the best proposals. I am sorry the House did not agree with the Motion of the hon. Member for Northamptonshire; but, after the vote which has just been given, it is necessary for us to state our views. I think the best course will be for the House to affirm the clause which gives a Member to Birkenhead, and then we shall be quite ready to adopt the suggestion thrown out in the course of the discussion to give four Members to the West Riding of Yorkshire. That is a suggestion on which a great deal may be said, on which, indeed, a great deal has been said, and which has a great deal of merit in itself. The question will be, therefore, whether the West Riding should have four Members divided or undivided. My own opinion is that, perhaps, it would be better to divide it. That proposal, of course, can only be carried out by clauses brought up at the proper time.

MR. COLLINS said, that when he proposed that four Members should be given to the West Riding of Yorkshire, and that it should be divided, he told the Government that it would be better for them to adopt the suggestion at once. They must feel now that if they had only taken his advice they would have been spared all those troubles into which they had been led. He was confident that when he appealed to the common sense and justice of the Committee the other night he would not appeal in vain, and the result had proved that he was right. As they were all going to be unanimous, however, he would not interrupt the debate further.

MR. AYRTON said, that the proposal of the noble Lord at the head of the Government rested on a principle totally different from that on which the Bill was introduced. He concurred in the opinion of the right hon. Gentleman the Member for Bucks, that if they abandoned the sort of compromise proposed in the name of the Government they ought to proceed on some definite and intelligible principle, such as the division of large constituencies. But there were other districts in England as important as that which the Government seemed to anxious to court, and which it was intended to strengthen exclusively by the Bill. The county of Middlesex contained a body of people who held in a large degree what might be called the fixed property of the country; and they were bound, when they divided the West Riding, to consider whether in common fairness they ought not also to divide the county of Middlesex. He would vote against the clause giving a Member to Birkenhead, with the view of supporting the appropriation of two seats to the West Riding and two seats to Middlesex.

MR. BLACKBURN said, that he was anxious to propose that one of the four seats should be given to the Scotch Universities. But he believed that in the present temper of the Committee, it would be useless to bring forward any such proposal; and the best course they could follow would be, as it seemed to him, to agree to the rest of the Bill *sub silentio*, and then for each hon. Member to submit his particular scheme to the House on the bringing up of the Report.

MR. BAILLIE COCHRANE said, he hoped the hon. Member for Stirlingshire was not going to leave the Scottish Universities in the lurch.

MR. STIRLING said, he was satisfied that he would not be doing justice to the Universities of Scotland in attempting to urge their claims at that moment.

MAJOR CUMMING BRUCE said, he concurred in the suggestion of his hon. Friend (Mr. Blackburn) that it would be better for the cause they espoused to advocate it on the Report. It was also desirable that the Government should have time to reflect on the circumstances of the case. They had made some very sudden proposals, and he feared they did not know whether they were standing on their head or heels. It was well that the Government should have an opportunity of reflecting on the undignified position which they occupied, so that before they arrived at the Report of the proceedings in Committee they might come to their senses, and see the propriety of adopting a juster policy towards the country to which he belonged, which was the only one of the three kingdoms which had to bear the badge of inferiority in not having her Universities represented in the House, while those of England had four Members, and those of Ireland two.

MR. DISRAELI: I would impress upon the Committee that this is a subject of great and enduring importance. It is highly desirable that we should not deal with such a question as if this were a mere private Bill, on which we often arrive at a decision in one Session which we reverse in a subsequent Session. The vote which has just been taken has very much changed the character of this Bill, and it is of the utmost importance that we should consider the consequences of these changes in all their bearings. With regard to the clause immediately before our notice for giving a Member to Birkenhead, I see that there is an Amendment placed on the paper by the right hon. Baronet the Secretary of State, proposing to alter the boundaries of that borough as they are described in the Bill. I do not want now to go into the merits or demerits of that proposition. But I beg the Committee to remember that the question of Birkenhead has been considered over and over again, and has been considered by more than one Ministry; and, therefore, when a measure is proposed for giving a Member to Birkenhead, the House had a right to suppose that it has been very maturely considered. If the Government have felt suddenly that it is necessary to alter the boundaries of that borough, they ought to have placed before the House ample information as to the data on which that recommendation is made, and we ought not to be called upon hastily to decide on so important a question. When I remember that we are going to give four Members to the north of England, and that the only borough to which one of the four seats is to be appropriated is in so undefined a condition, I really think it is desirable that we should report Progress and allow ourselves an opportunity of further considering this subject. I would rather this proposal came from the Government, and I believe the noble Lord would now do well to take it into his consideration. This has been rather a memorable night in the history of the Bill. The Committee have done a great deal in a short time, and let us now digest what we have done—let us have an opportunity of seeing whether we cannot appropriate these seats in a manner satisfactory to the south as well as to the north of England. I must repeat my belief that on the whole the best arrangement that could be made would be to divide both the West Riding of Yorkshire and the county of Middlesex, and to apportion all the four seats between those two great counties. These are questions, however, which I wish the Committee to consider, and not to settle by any sudden Resolution. The claims of Birkenhead are, no doubt, most respectable; but the Government seem to doubt whether that borough, as at first proposed, would furnish a sufficiently ample constituency to justify them in giving it a Member, or why the change of which the Home Secretary has given notice? Therefore, I think that if there is a little delay, and Her Majesty's Government consider the propriety of dividing the West Riding of Yorkshire and the county of Middlesex, and appropriating the seats to those great, flourishing, and increasing constituencies, they will take a wise course, and one which will be satisfactory to the general community. I will not propose that we should report Progress, or take any other course which might be offensive to the Government. I would rather see the noble Lord take his natural position as leader of the House; but I think that the adoption of that course would be convenient, and not unprofitable.

SIR GEORGE LEWIS: I think it will be better that the Committee should proceed with the consideration of this clause. If the right hon. Gentleman or any other Member should in Committee propose any changes, they may then be considered, but at present the Government adhere to the clauses which have been carried. And be it remembered that the change which has been made, although there has been more than one division, has affected only one of the seats now in question. With regard to Birkenhead, I gave notice of an Amendment to incorporate with that place a small township to the north of it, which I thought might conveniently form part of the new borough; but since I made that proposal I have understood that the local interests are unfavourable to its incorporation with Birkenhead. This township adjoins the creek upon which Birkenhead is situate, and the gentleman who was sent to examine Birkenhead suggested to me that it might properly be considered as forming part of the borough. For that reason I gave notice of the Amendment which has been referred to. I gave notice of it some time ago, in order to ascertain whether the change would be acceptable, and I have since found that it would not. The population of this township is insignificant, and the question which the right hon. Gentleman has magnified into an important, is really a very unimportant one. The whole population of the chapelry of Birkenhead, according to the last census, amounts to 35,900, or nearly 36,000 persons. There are other townships within the borough which raise the population to 51,105. The small township which I proposed to add, but which I shall not now insist upon adding to the borough, contains a population of only 3,600 persons; therefore, the House will see that this is a matter of very limited importance. I think that any one who looks at a map of the borough will think that there was a *primâ facie* case for annexing this township. However, I shall not press the Motion, and I trust that the Committee will agree to the clause as it stands.

MR. J. TOLLEMACHE said, that the inhabitants of the township of Wallasey entertained strong objections against being included in the Borough of Birkenhead, which they had expressed in a petition to that House, and he thanked the right hon. Baronet for having so properly and so considerately complied with the wishes of those who were most concerned in the matter. He thought Birkenhead was entitled to a Member. It was quite impossible to consider what would be the population of that thriving place in the next ten years. They must not consider her local interests. The port of Birkenhead was greater than London, and greater than New York, and the docks they were now making would cost £3,000,000. The future Member would have to look to large interests, for there was not a manufacturing town in the north which was not interested in Birkenhead. The population of Liverpool was less by two-thirds than that of Lancashire and Yorkshire, but he would venture to say the duties of the Members for Liverpool were more heavy than those of the Members for the West Riding and Lancashire put together; and he was not sure that the duties of the Members for Liverpool were not more onerous than those of half a dozen metropolitan Members. Under these circumstances he felt that the Government had exercised a wise and sound discretion in giving to Birkenhead a Member.

MR. VINCENT SCULLY said, that the proposal to give a Member to Birkenhead raised the important question of principle whether all these four seats should be given to Lancashire and Yorkshire, which possessed already almost as many Members as Scotland, and whether those two counties should be allowed to raise their preponderating influence in that House from fifty-one to fifty-five Members. If the argument against Middlesex was worth anything, *à fortiori* it was valid against Yorkshire. He objected to Ireland and Scotland being treated with contempt in a question of such importance, and should certainly move that the Chairman report Progress.

MR. BENTINCK said, he would support the Amendment, but upon different grounds. The hon. and learned Gentleman had endeavoured to make out a great Irish grievance, but, in fact, he had made out no case at all, for the hon. and learned Gentleman had lost sight of the fact that the counties of Ireland were fully and amply represented; while, on the other hand, if he had taken the trouble to look at the matter from an imperial point of view, and taken the whole case of the representation into consideration, he would have found how badly the rural districts of

England were represented. Every seat given to a borough was an act of deliberate and cold-blooded spoliation. ["Oh, oh!"] He was prepared to prove that statement. Would any one deny that "taxation" and "representation" were convertible terms? If the whole power of taxation were put into the hands of one portion of the community, that portion would use it to relieve themselves of the burden of taxation at the expense of those who were less powerfully represented. The rural districts of England were in the latter position. He begged every rural representative to consider that in voting in favour of increased urban representation he was virtually assisting in placing those whom he represented in a worse position than they were at present.

Mr. NEWDEGATE said, he hoped he might be allowed to say one or two words. If population, the number of houses, and the amount of property were taken as the conditions that commanded increased representation, the counties of England were entitled to 130 additional seats. As to the claims of Ireland, he could only say that the wished that the counties of England were as fully represented as those of Ireland; taking into account the number of the population and the amount of property. Ireland could found no claim to additional seats, except upon the ground of population. Her case was infinitely weaker than that of Scotland. By population and by property, taken as as a test of the intelligence of the people, Scotland was entitled to twelve seats; but, as he had said, the English counties by the same rule were entitled to 130. He did not, however, desire to see a anything like a perfect equality of representation in that House between the boroughs and counties so long as the House of Lords existed; but he thought the counties deserved some consideration. The noble Lord the Member for the City in his Bill of 1854—which was on the whole the best Reform Bill which he (Mr. Newdegate) had known introduced—proposed to allot to the counties of England no less than forty-six seats. He trusted that in future they should hear no more of the claims of Ireland and Scotland, whilst the claims of the English counties remained unsatisfied to the extent which he had mentioned. He had voted for an additional Member being given to Middlesex; but he thought in justice that county should have two seats allotted to it. His opinion was, that so long as they had enormous masses of population represented in the aggregate by two Members only for each of these large constituencies, the elections would be controlled by knots of men acting with a power which rendered such representation analogous to that of close boroughs. Let the Committee consider the difficulty of communicating with vast masses of people. No ordinrry man could address more than about 4,000 people by his own voice, and twelve was the number of a jury, probably because it was found that that was the greatest number of persons who could conveniently communicate by conversation. The reason against enlarging the number of Members of that House was because the numbers of the House would be too large for the purposes of debate. Unless these enormous constituencies were divided true public opinion would often be overborne in them, therefore, he agreed in the proposition for dividing Yorkshire. As two of the disposable seats came from St. Albans, a borough near the Metropolis, he thought that in justice those seats should be given to the metropolitan county of Middlesex. There was a strong Conservative element in Middlesex, and it was but fair that that spirit should be represented. Without intending the slightest disrespect to the metropolitan Members, he was confident that they would find assistance in such an additional representation for the metropolitan county. In his own case he knew that the Members for the large boroughs in his county could perform certain duties to which he was unequal, whilst he, in like manner, could perform duties of which they were incapable. Let the Committee remember the combinations of working men, and the organization by which they were governed—often both unreasonable and tyrannical, but the existence of these combinations proved the Committee ought to give them legitimate representation, such as they would do by giving additional Members to Middlesex; that course would produce satisfaction which could not be produced by other means.

Sir GEORGE LEWIS said, that considering the difficulty there was with the present press of business in fixing a certain day when the Bill could come on, there could be no course more inconvenient, or indeed, more unreasonable, than to report Progress at so early an hour. He hoped, therefore, that the Committee would consent to go on with the Bill to the end.

Colonel DUNNE said, he had given notice of a Motion in reference to Cork, though he had not been fortunate enough to catch the Chairman's eye. He could not promise that the House should hear no more of the claims of Ireland, for there were no interests so badly represented in that House as Irish interests. The number of Irish Members were so out of proportion to the rest of the House that they had no chance; and, no matter where an English Member sat, he was always ready to cheer anything against Ireland. Ireland had got nothing from that House, and he hoped that Irish Members, for the future, would not be deterred by any amount of vituperation from combining, and would refuse to go into the lobby for any party question—no matter what it might be—which did not lead to her advantage. On comparing the representation of the various countries he found that Scotland had one Member to 53,000 persons, while Ireland had one to 63,000, and that in Scotland there was a Member to every 1,700 electors, and in Ireland there was one to every 1,704. Then as to the property of the country he denied that that was a fair test. The wealth of Ireland had been drawn for centuries into this country, for £11,000,000 of taxes were raised in that country but only £4,000,000 were spent in it; and, in addition, a large amount of the rent of absentees was drawn to this country.

Mr. BLACKBURN said, he thought the Government ought to state exactly what course they proposed to adopt, in what way Yorkshire was to be divided, and whether the clauses for that purpose would be introduced in Committee, or upon the Report.

Sir GEORGE LEWIS said, what he proposed was that the remaining clauses should be proceeded with, and then that the ordinary course should be taken of reporting the Bill. Three seats had been disposed of, and on the Report it was proposed to bring up a new clause, dividing the West Riding, which it was not competent to do in Committee. The alteration in the mode of election in the West Riding, he should add, could only take place at the next general election. If but one seat were added the election might take place during the present Parliament, but the necessity of dividing the constituency would preclude the two new seats from being filled up till a dissolution took place.

Sir JOHN SHELLEY said, he felt so strongly the difficulty in which the Committee was placed, after the votes which had been taken, that he believed the best course which the Government could adopt would be to withdraw the Bill. If they wished to proceed with the measure they ought to take time for reflection, instead of being guided by the last vote. Either the Government had a principle or they had not. If they had, he supposed it was that population and rateable value should be regarded in the distribution of the seats, and that on that principle they had acted in proposing first to give a Member to Chelsea and Kensington, and then to Middlesex. That principle, however, had been twice upset. If they were to go on scrambling through the different propositions, he believed the only course which he could safely take was to imitate the action of the Scotch Members, and to vote steadily against every proposition, in the hope that ultimately Middlesex might come to the top again. He protested against the principle that four seats were to be given to the North. Certainly, if the right hon. Gentleman consulted the wishes of his own supporters, he would withdraw the Bill, which dealt with a subject that ought not to be trifled with.

Sir GEORGE LEWIS said, he could not admit that the Government had trifled with the subject. They had distinctly pointed out the places to which, in their opinion, seats might with propriety be given; and, having done so, the most respectful course to the House was to allow hon. Gentlemen to urge their views, and then for the Government to deliver their opinions, instead of making any attempt previously to dictate to the House. But it was by no means to be inferred that they had not fully considered the subject. The Government stated that they would vote in favour of another Member for Middlesex, but the Committee decided against that proposition. While that issue remained uncertain it was not competent for the Government to say what course they would take; but as soon as the House had pronounced its decision, his noble Friend rose and stated what the Government was prepared to do. He did not see how it was possible to take a more clear and straightforward course. It was now said they ought to adjourn the debate and report Progress. Well, the Government did not ask for time. If they felt any doubt or hesitation it would be natural that they should ask for delay, and under the circumstances it would probably be conceded by the Committee. But they did not ask for it; they were quite ready to proceed with the Bill, and they asked the Committee to give a Member to Birkenhead, a proposal which formed part of the original scheme. With regard to the fourth Member, he understood that hon. Gentlemen opposite were favourable to a division of the West Riding. In the Bill of last year the Government proposed to give four Members to the West Riding. Everybody must see that it was a proposition which had strong arguments in its favour; and, therefore, as they entertained no objection to it, they were ready to adopt the proposal. But the only way in which it was possible to engraft the clause requisite for that purpose on the Bill was in the manner which he proposed; and if they reported Progress to all eternity they would be no nearer either to giving four Members to the West Riding or to submitting the question for the decision of the House. He hoped the Committee would not lose time in debating what they should do, but would proceed at once to consider the question of giving a Member to Birkenhead.

Mr. HARDY said, he agreed with the right hon. Gentleman in thinking that, after an immensity of discussion, the House had now got into the right line, and that the Government had adopted a proposition which would receive the concurrence of the country at large. The West Riding had always shown itself an independent constituency, and the representatives which it returned had always truly reflected the political feeling of the time. The hon. Member for the Tower Hamlets was in error in thinking that the West Riding would be purely a manufacturing constituency; as one went westward it became much more agricultural in its character. It had in it, moreover, a great number of what were called small statesmen—probably the most independent class in the community. It was to them that Wilberforce and Brougham in great part owed their election. With all respect for the Irish and Scotch Members, he had viewed the question before them from the first as an English question, and were a different course pursued it might afford a dangerous precedent, for at some future time one of their little boroughs might get into trouble, and English Members might conspire to rob them of the seat. Not denying that at some future time the good service done to the cause of education might entitle the Scotch Universities to representation, he believed fewer jealousies would be created by the division of the West Riding as proposed.

Mr. JACKSON contended that of the four borough seats which the House had to dispose of, the borough interest had a right to at least one. During the last few years the sum on which the income tax was levied had increased by about £20,000,000, of which the land only claimed £1,000,000, while house property claimed £8,000,000, mines and minerals £3,000,000, and manufactures £2,000,000; the rest being made up of miscellaneous incomes, a strong reason for continuing to boroughs the five seats. Birkenhead would have a very peculiar constituency. It would start with 5,500 voters, of whom the bulk would claim in respect of houses of £30 a year and upwards. It would represent a very varied interest, and would altogether be one of the most respectable constituencies in the kingdom.

Major CUMMING BRUCE said, he could not conceive any place more entitled to representation than Birkenhead, but he must protest against the assumption that because the four seats at the disposal of the House were English seats they could only be distributed to English constituencies. Such a doctrine could not be adopted by the noble Lord the Foreign Secretary or those who were concerned with him in the Reform Bill of 1832. Therefore, after the claim of Birkenhead had been disposed of, he should be prepared to submit the claim of the Universities of Scotland before either the West Riding or Middlesex for one of the vacant seats.

Lord JOHN RUSSELL said, it was quite true that by the Reform Bill additional seats were given to Scotland and Ireland, but he did not think it followed from that circumstance that whenever there was any distribution of seats the sister kingdoms must be included with England. In the present case, the four seats which the House had to dispose of were English seats, and he did not see that a case had been made out for giving any of them to Scotland or Ireland.

Major CUMMING BRUCE said, he wished to know whether the noble Lord meant to convey that until the Scotch Members succeeded in demoralizing one of their constituencies—which he did not think it would be possible to do—they were to have no claim for a representation of the two Scotch Universities? Did the noble Lord advise them to make the attempt in order to establish a title to such a representation?

Lord JOHN RUSSELL: I did not mean that.

COLONEL FRENCH said, he thought the Committee ought at once to know whether the Bill was to be considered a Government measure. The Government began by opposing the Amendment of the hon. Member for Northamptonshire, and in that opposition they were beaten by a very large majority—over 100. That evening they acceded to his second Amendment, and the result was that success left him, and he and they were beaten. They at first opposed the proposition of the hon. and learned Member for Knaresborough (Mr. Collins), but now they tendered him their assistance, but he should recommend the hon. and learned Member to take care, for their assistance might be as fatal to him as it had been to the hon. Member for Northamptonshire. He did not think the Government were consulting their own dignity in the course which they were taking in respect to the Bill.

Motion *negatived.*

Question put, "That Clause 4 stand part of the Bill."

The Committee *divided:*—Ayes 163; Noes 26: Majority 137.

Clause *agreed to,* as were the remaining Clauses.

On Question that the Bill as amended be reported,

SIR FRANCIS GOLDSMID said, that he could not see the fairness of the suggestion which had been made for giving all the four Members to one part of England; and he, therefore, gave notice that at the next stage of the Bill he should bring before the House the case of the University of London unless, meanwhile, the right hon. Baronet (Sir James Graham) recovered, so as to be able to take the question into his much abler hands.

MR. BLACKBURN suggested that the Bill should be reprinted as amended, and that the Government should give notice of the clause for dividing the West Riding.

MR. AYRTON said, he wished to call attention to the extreme difficulty of dealing with these questions on the Report, and to suggest the recommittal of the Bill.

MR. STIRLING said, he wished to give notice that on the Report he should take the opportunity of stating the case of the Scotch Universities. It would probably be for the convenience of the House that the discussion upon the Scotch Universities and London Universities should be taken together; and, therefore, when he had seen the notice of the hon. Baronet (Sir Francis Goldsmid) he would endeavour so to frame his own Motion that the discussion should be so taken.

SIR GEORGE LEWIS said, it was not usual to recommit a Bill unless extensive alterations were proposed. The change proposed was only on a single point; and it would be, therefore, competent for hon. Gentlemen to submit their Amendment upon the Motion for the division of the West Riding.

MR. AYRTON said, he wished to give notice that, if the plan of dividing the West Riding were adopted, he should propose to strike out Lancashire and substitute for it the division of Middlesex.

MR. VINCENT SCULLY said, he should take the same opportunity of urging again the claims of the county of Cork.

House *resumed.*

Bill *reported,* as amended, to be considered on *Monday* next, and to be *printed.* [Bill 186.]

COUNTY SURVEYORS, &c. (IRELAND), BILL.—COMMITTEE.

Order for Committee read, Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. VINCENT SCULLY said, he had no charge to bring against the Government for introducing the Bill, inasmuch as they had, perhaps, been misled by numerous petitions and representations forwarded to them on the part of the grand juries. Its object was to increase the remuneration given to county surveyors in Ireland and to grant to them superannuation allowances, but the principle involved in it would go much further, as it would equally apply to all officers paid out of the county rates. In the county of Cork alone there were at least 500 officers who on the same grounds as county surveyors would be entitled to an increase of remuneration, and in the whole of Ireland there could not be fewer than 5,000. To prove that this was not a needless alarm he need only point to the fact that among the Amendments to the Bill of which notice appeared on the paper was one by the hon. Member for the King's County (Mr. Hennessy) to add to the salaries of and grant superannuations to the secretaries of grand juries. He confessed he did not see how their claim could be resisted if the principle of the Bill was sanctioned. The salaries of the surveyors were to be increased to £600 a year; that was to be the *maximum.*

But when a *maximum* salary was fixed, it was apt, practically, to become the *minimum.* Some of the surveyors, who made themselves disagreeable, politically or otherwise, might be cut down to £300; but those who went hunting with members of the grand jury—and they would hunt oftener when they had £600 a year than when they had £300—would get the *maximum* salary. They would not discharge their duties the better for the increase. The fact was there was a number of young men in Ireland who had nothing to do, and their first proceeding was to get an office with a small salary; the next was to get the salary increased; the next to get a superannuation allowance attached to it; and then to prove that the office was utterly useless, and ought to be abolished. He had known cases where that had been done. No doubt the Bill had originated in goodnature. But there were several sorts of goodnature. One was to put your hand into your own pocket and pay £100 in charity, and say nothing about it; another sort was to put your hand into your own pocket and pay the £100, and put it in all the newspapers. That was a higher order of goodnature. Another was to put your hand into your neighbour's pocket, pay it out of that, and then advertise it as your own charity. And this was very much what the Bill proposed to do. It was brought in by English officials, who had no property in Ireland to pay the increased taxes arising from it. Instead of increasing the salaries of the present county surveyors, he thought it would be a better plan to add to the number of the surveyors at a less salary and divide their districts. There should be a smaller division of districts, and a graduated scale of payment. The claims of the officers of the Poor Law Board for superannuation were made on grounds that would apply equally well to Irish Members of Parliament. It was said they were overworked, that they had no time for social duties, that their patience was tasked to the utmost, that they must satisfy everybody, and that they could not look forward to any promotion or provision—precisely the case of the Irish Members. The principle of giving superannuation to local officers ought to be carefully considered by the House. Some returns had been ordered which would prove the great increase that had of late been made in the amounts of the county rates paid in Ireland. Those returns had not been laid upon the table, and he wished to know the reason of the delay. With respect to the Bill he thought the principles which it contained were most objectionable, and before they were adopted the subject ought to be fully inquired into before a Select Committee.

Mr. GEORGE said, he rose to support the Motion of his hon. Friend, and to attest that he had heard a strong desire expressed that the Bill should not be proceeded with. It proposed at one blow to double the salaries of the county surveyors; for, as this Bill had been framed by the right hon. Gentleman (Mr. Cardwell), it was at the option of the grand jurors, without regard to the cesspayers, to accomplish this. He trusted that now the public feeling of the people of Ireland was known upon the Bill the right hon. Gentleman would withdraw the measure.

Lord JOHN BROWNE said, that considering the nature of the duties which the county surveyors had to perform, and the responsibility thrown upon them, their present salaries were quite inadequate. The salary was nominally £300 a year, but when travelling expenses were deducted, frequently no more than £200 remained, and the private business of these officers was not uncommonly merely nominal. How could it be expected that competent men could be got at such a salary to discharge the duties of these officers? If inadequate salaries were given the duties of the office would devolve upon an inferior set of individuals, who, on account of the smallness of their remuneration, would be tempted to accept bribes. He would also remind those who opposed the measure that it was merely permissive, and not compulsory, and that it, therefore, involved no addition to the burdens of the ratepayers, except upon their own action with a view to the duties of the office of county surveyor being more efficiently performed. It merely carried out the recommendations of the Committee by which the subject was investigated three or four years ago, and he was surprised at the opposition with which it had been met.

Sir EDWARD GROGAN thought that the Bill did not proceed in the right direction. If the salaries were not sufficient let them be increased, but he objected to the power which appeared to be given by the Bill to the county surveyors, of delegating to inferior persons duties for which first class officers were paid. With regard to superannuations, he wished to know why that particular class—the county surveyors—were to have superannuations, to the exclusion of all other officers; and he, likewise, desired to be informed if any estimate had been made out of the increased charge which the Bill would impose on the counties. The Bill excluded the ratepayers from all control, and although the subject required legislation, he thought the Bill had better be postponed for the present year, and next year legislation might take place on the subject after full inquiry.

MR. HERBERT said, he felt he had a right to claim the vote of the hon. Member for Cork in favour of the Bill, as he formed one of the large majority of the Irish Members who had addressed the Chief Secretary as advocates of some such measure as this. The measure carried out all the recommendations of the Committee of 1857. He (Mr. H. Herbert) considered that any postponement of this Bill would be an act of great injustice to a large body of men whose hopes had been encouraged by the professions of hon. Members on both sides of the House in their favour.

COLONEL DUNNE said, before they proceeded further with the Bill they ought to know what were the intentions of the Government with respect to the many Amendments that were to be proposed in Committee. The measure and the proposed Amendments on it not only extended the principle of superannuation to all county surveyors, but also to all their assistants, and they were numerous. In that respect he did not think it was applicable to the condition of Ireland. He thought that the assistants ought not to be included in this provision. It should be recollected that all these offices were Government appointments. It was scarcely fair, then, to call upon the country to pay them those large salaries, and afterwards superannuations. He hoped the Government would declare their intentions before they entered any further into the matter.

MR. BUTT said, the intentions of the Government with respect to the Bill were to be gathered from the Bill itself. The Bill had three objects in view—to increase the salaries of the county surveyors, to increase the salaries of their assistants, and to provide for them superannuation allowances. It was permissive in its character, and he could not understand how his hon. and gallant Friend, who had always been the advocate of local government, opposed the Bill, which was intended to allow counties to manage their own affairs. He had himself endeavoured to reform the grand jury laws; and in consequence he had received various letters stating that no reform could be accomplished unless the county surveyers and their assistants were elevated in their position. A Committee sat on the subject some years ago, who unanimously recommended that the salaries of the county surveyors and their assistants should be increased, and that the grand juries should have the power of granting them superannuation. That was the recommendation of a Committee which almost wholly consisted of Irish country gentlemen. These surveyors, in fact, had charge over a large sum of county expenditure, and to increase their salaries, therefore, would be the truest economy. So it was with the question of superannuation. The superannuation of an inefficient surveyor would be saved in the efficient management of a successor in the course of two or three years. He, therefore, gave his cordial support to the Bill.

MR. BERNAL OSBORNE said, he addressed the House on that question, not as an Irish Member, but as an Irish cesspayer, and he could assure the House that the cesspayer of Ireland had a great objection to pay rates for any such purpose as that contemplated by the present Bill. If it were true, as stated, that a large majority of the Irish Members had urged the Government to introduce this Bill, he despaired of the course of the cesspayer in Ireland. In Tipperary the county taxation had increased 20 per cent during the last ten years, and if Parliament were to pass the present Bill, every salaried officer in Ireland would apply to have his salary doubled. He objected particularly to the superannuation clause, and was astonished to see from the paper that the hon. and learned Member for Youghal (Mr. Butt) had given notice of an Amendment to make that clause retrospective. Let them not call it merely a permissive Bill. They all knew the readiness with which Irishmen put their hands to paper, and he feared that they would be persuaded under the Bill to put their hands to many a job. Why, by the 7th Clause, it was provided that, after ten years' service, a county surveyor could claim superannuation, and, it as was to be retrospective, men who had long since retired would be entitled to claim superannuation. He hoped the Bill would be thrown out; but, if the Irish Members were determined to raise the salaries of county surveyors, let them, at all events, wait until the grand jury laws were put on a sounder and more healthy footing. The appointment of these county surveyors should not be left in the Castle of Dublin. There was great danger that the surveyors would be appointed, not for their scientific attainments, but for their political services.

MR. CARDWELL: There would be the test of examination.

MR. BERNAL OSBORNE: Competition—examination! Surely the right hon. Gentleman was not so primitive as to imagine that there was any reality in that test. The county surveyors should be appointed by those who paid them. Until they reformed the whole system of county surveyors, he would not give permissive power to expend upon them one sixpence additional, either in the shape of salary or superannuation.

MR. HASSARD said, he thought if they gave adequate salaries to the county surveyors they might expect them to devote their whole time to the performance of their important duties which were now, in many cases, delegated to subordinates. No doubt, as had been stated, those officers were appointed by the Government, but their salaries were fixed by the grand juries, who also had the power of dismissal. He gave his hearty approbation to the Motion for going into Committee.

LORD CLAUD HAMILTON said, he would admit that he had given his consent to the main provision of the Bill so far as regarded the permissive increase of salaries of county surveyors; but he could not approve combining with it the principle of superannuation, which would open the floodgates to petitions, memorials, and all kinds of private solicitations. It was not real merit that generally carried the day in these appointments. It was the appeal *ad misericordiam*—the having a sickly wife and eight children—that usually prevailed. He saw grave reasons for acting with extreme caution, and he should oppose going into Committee.

MR. CARDWELL observed, that while the Bill had met with more opposition than he expected, he might on the other hand, appeal to the valuable support it had received, as a proof, in answer to the hon. Member for Wexford (Mr. George), that it was not introduced in defiance of the feelings of the Irish people, nor without sufficient inquiry as to what their wishes might be. He only wished that when solemn deputations called on the Irish Government to give effect to the recommendations of a Select Committee, they would ascertain what those recommendations were. Out of those who had to-night opposed the Bill, he had to reckon the hon. Member for the city of Dublin (Sir Edward Grogan), whose constituents were not affected by it; his noble Friend who spoke last, who recommended such a measure; and the hon. Member for Wexford, who was a Member of a Government pledged to introduce a like Bill. By an amendment of the law in 1834, county surveyors, selected after examination by competent persons, were entrusted with the management of large sums of money, amounting to £400,000 or £500,000, to be expended in the maintenance of roads in Ireland. In 1857 a Select Committee was appointed to consider the case of those surveyors. On that Committee were the right hon. Member for Canterbury (Sir William Somerville), at one time Secretary for Ireland, the noble Lord opposite (Lord Naas), and the right hon. Member for Kerry (Mr. Herbert), who had also been Chief Secretary for Ireland. The Committee examined the subject very carefully, and reported unanimously in favour of an increase of salary and in favour of a system of superannuation, with a power for the grand juries to require the exclusive services of those officers. A memorial, signed by between thirty and forty Irish Members, had been presented, requesting the Government to carry out those recommendations, which was all that this Bill was intended to effect. It did not propose a compulsory increase of salary nor a compulsory amount of superannuation, but it merely said to those who administered the fiscal affairs of the country, that if they had a large sum of money to expend, and they thought it expedient to spend a trifling sum more in its supervision and control, believing that economy and advantage would result from it, they should have the power to incur that expense. It also gave power to dispense with a valuable servant at a time of life when they ought no longer to retain him in his place, by superannuating him. It was said this Bill would make patronage for the Government. It was true that the appointments in the first place were made by the Lord Lieutenant from a List; the result of an examination; and in the order in which the names stood on that List; but the amount of pay was fixed by the grand jury, and the grand jury had the power of dismissing the officer. The Government did not jump to the conclusion that the feeling of the country was in favour of the Bill. It was printed at the close of last Session, and although it was largely circulated no petition had been presented against it. As to the intentions of the Government, they would adhere to the provisions contained in the Bill, but they would not pledge themselves blindly to object to any suggestions or Amendments in Committee.

Mr. MONSELL said, he wished to call the attention of the House to the enormous extent to which the system of raising salaries and providing superannuations of these county surveyors might be carried under the present Bill. He denied that this power of superannuation, if given, would be permissive. If given, they might be sure it would be used, and the power of resistance on the part of the grand juries was so small that they must grant the allowance if asked to do so. What he wanted to know was to what extent would this power be used? There was a strong case, he thought, to raise the salaries of some of the county surveyors, and after a certain number of years they might give a certain amount of superannuation to those surveyors who had been underpaid. If the salaries were raised for the future they would be able to provide for themselves against the evil day. He would support that part of the Bill which contemplated raising salaries, but he objected altogether to recognizing the principle of superannuating every officer who was paid out of the county rates, without having some estimate of what the taxation would be to the cess-payers.

Mr. MAGUIRE said, he should support the Bill, because he believed it to be just and expedient that every man ought to be paid for his labour according to his merits. The county surveyors were, undoubtedly, underpaid. He knew that in the county of Cork they could not afford to travel over the whole of their districts on account of the expense, and the consequence was that the grand jury had to rely in a great measure on the reports of subordinates. He was satisfied that it would be true economy to give the surveyors adequate salaries, and he held that they were as much entitled to superannuation as the civil servants of the Government.

General UPTON remarked that they should give grand juries the power of employing first class surveyors, and that they should be enabled to pay them liberally.

Captain ESMONDE said, the principle of the Bill was to give power to the grand juries to pay men better who they knew were at present underpaid. He did not believe grand juries would abuse the powers placed in their hands, and the provision that the increase of salary should be sanctioned by two grand juries was a sufficient safeguard against jobbing.

Mr. W. R. O. GORE said, he objected to superannuations, and to raising salaries, but if it were required he would give the present surveyors assistance in the performance of the duties of their office.

Lord FERMOY said, over £1,000,000 a year was paid for county cess in Ireland, and he thought that they should be just to the poor farmers who paid it before they were generous to the county surveyors. They had good roads in Ireland at present, and there was no ground for saying that the business of the surveyors was not well done, or that there was any difficulty in getting good surveyors at the present rate of pay. There was no lack of candidates whenever a surveyor's office was vacant, and there were many other public officers, such as the medical officers of Unions, who had prior claims to the county surveyors. Taxation and representation ought to be convertible terms. It was not so in the Bill, and that, in his opinion, was one of the principal objections to the Bill. The universal feeling in Ireland was against the Bill. It was only making bad worse. He would, therefore, move that the House go into Committee that day three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Mr. CHICHESTER FORTESCUE said, one would imagine from the observations that had been made that the proposal was one for the increase of local taxation. It was nothing of the kind. The measure was the result of much investigation on the part of a Committee composed principally of Irish Members. He did not consider the grand jury system perfect; but he had not such an unfavourable opinion of them as to object to give them the slight power which the Bill proposed to confer on them.

Mr. O'BRIEN said, he was in favour of the original Motion, considering the Bill would have a beneficial operation; but he was opposed to the system of superannuation *in toto*.

Mr. CONOLLY said, the discussion was a mere battle between the centralized authorities and the local interests of Ireland. He should support the latter, and considered there was no necessity either for the increase of salary or for the superannuation proposed. There was no ground whatever for the Bill.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 152; Noes 59: Majority 93.

Main Question put, and *agreed to.*

House in Committee.

(In the Committee.)

Clause 4 (Grand Jury at Summer Assizes held after passing of Act may on Application of County Surveyor resolve that his Salary be increased),

Mr. LONGFIELD moved an Amendment providing that previously to an alteration being agreed to by the Grand Jury it should have been adopted by a majority of the magistrates and ratepayers at Sessions.

Amendment proposed, in line 7, after the word "put," to insert the words—

"Provided that the previous sanction of the presentment sessions of the county at large to any such increase of salary shall have been granted on application to be made in the same manner as is necessary for works exceeding in expense one hundred pounds on the county at large."

Mr. CARDWELL said, he must object to the Amendment, on the ground that the words would take away the control over the county surveyors which the existing statute gave to the grand jury, and transfer it to the Presentment Sessions.

Question put, "That those words be there inserted."

The Committee *divided:* Ayes 54; Noes 61: Majority 7.

Mr. CARDWELL said, that, recognizing what appeared to be the wish of the minority, he would undertake to frame a provision to the effect that before the second grand jury could confirm any increase of salary the subject should be submitted to a Presentment Sessions.

Mr. BRADY moved that the Chairman report Progress.

Motion made and Question put, "That the Chairman do report Progress, and ask leave to sit again."

The Committee *divided:*—Ayes 24; Noes 71: Majority 47.

Mr. VINCENT SCULLY said, he would propose an Amendment in the clause, providing that no appointment should be made under the Bill by a majority of less than two-thirds of the grand jury.

Captain ESMONDE: Will the hon. Member tell us what number would constitute two-thirds of twenty-three?

Amendment *negatived.*

Mr. HENNESSY proposed the insertion of a provision for increasing the salaries of the secretaries of the grand juries. The increase in the number of sessions held annually in the Irish counties had added considerably to the labours of these officers, and the grand juries had petitioned for power to raise their salaries.

The CHAIRMAN ruled that the Bill did not apply to the case of these officers.

Motion *negatived.*

Colonel DUNNE said, he wished to move a *proviso* to the effect that whenever the *maximum* salary was given to a county surveyor no allowance should be made for an assistant.

Amendment proposed, to add, at the end of the Clause, the words,

"Provided always, That when the salary granted to a County Surveyor shall amount to the maximum specified in the Schedule, it shall not be lawful for the Grand Jury to grant any salary for an Assistant Surveyor."

Mr. CARDWELL opposed the Amendment.

Mr. CONOLLY moved that the Committee report Progress.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."

The Committee *divided:*—Ayes 21; Noes 59: Majority 38.

Question again proposed, "That those words be there added."

Mr. COGAN moved that the Committee report Progress.

Mr. CARDWELL suggested that they should finish the clause.

Mr. COGAN withdrew his Motion.

Question put, and *negatived.*

Clause 4, as amended, *agreed to.*

House *resumed.*

Committee report Progress; to sit again on *Thursday.*

House adjourned at half-after Two o'clock.

HOUSE OF LORDS,

Tuesday, June 18, 1861.

Minutes.] Public Bills.—1ª Locomotives; Transfer of Stocks and Annuities; Accessories and Abettors; Criminal Statutes Repeal,
3ª Bankruptcy and Insolvency.

BANKRUPTCY AND INSOLVENCY BILL.

THIRD READING.

Order of the Day for the Third Reading read.

Moved, That the Bill be now read 3ª.

LORD BROUGHAM said, that though the Bill might not contain all that some people might wish to find still it would be a most valuable measure. He expressed his earnest hope, and, indeed, his confident expectation, that, whatever difference of opinion might exist on the subject, the Amendments which had been made in the Bill would be accepted by the other House.

THE EARL OF DERBY: My Lords, I also hope that a Bill upon this important subject, so long desired by the great body of the commercial community, may pass into law in the present year. This Bill undoubtedly has received very considerable attention on the part of Members of the House of Commons, and I think it will be admitted by the noble and learned Lord on the Woolsack, although he may not approve all the Amendments which were made in the Select Committee, that that Committee devoted the most earnest attention to the details of the measure, and that no clause and no Amendment was decided upon by them hastily and without due consideration. The Bill has come back from the Select Committee with considerable alterations, but without any interference with what I look upon as its main principles. Those principles I take to be, in the first place, the amalgamation of bankruptcy and insolvency; in the next place, the question—much discussed elsewhere, but not disputed in the Committee—of doing away generally with the distinction between traders and non-traders; and, thirdly, though I cannot help thinking this a measure of doubtful policy—the extension of bankruptcy jurisdiction to County Courts. In all these three material points the Bill has come back from the Committee without alteration. Undoubtedly, as I said, there are many points on which it has received alterations and, as I think, Amendments. In the first place the Committee objected to that which appeared to them a very unnecessary and useless expenditure—the appointment of a Chief Judge. That proposal was struck out by the Committee; as were also some provisions with regard to the relative duties of the official and creditors' assignees, and other provisions which were calculated to lead to much additional expense—such as the employment of shorthandwriters. In some few minor points other Amendments were introduced, and, with regard to all the Amendments, I think I may say that they were made by a considerable majority, and, in some cases, without even a division of voices in the Committee. Now, I cannot but hope that the consideration which the Bill has thus received from a Committee so constituted may not be without weight with the Members of the other House. When the Bill came back from the Select Committee the noble Earl opposite (Earl Granville), on the part of the Government, professed his readiness to accept the Amendments of the Committee, and did not raise any question with regard to those Amendments—though it is true that a clause of great importance was in this House inserted in the Bill, preventing the retrospective operation of the law upon non-traders, who are now for the first time made subject to the bankruptcy law. But it is said that in regard to the Bill as it now stands ominous words have dropped from a Member of the other House, which make me somewhat apprehensive of the reception which these Amendments may meet with there. Now, as this is a Government Bill, and as the Government have accepted in this House every Amendment made by the Select Committee, I think I am entitled to ask whether it is the intention of Her Majesty's Government to use the influence which undoubtedly they possess with their colleagues in the other House, and to secure their support and acceptance of the Amendments which have been introduced in this House? I should not ask this question if the Bill were not introduced by the Government and upon the responsibility of the Government, and if I did not hope that the Government had made up their minds, having accepted the Amendments here, to support them in the other House. If, however, the noble Earl is not able to give me this assurance, I hope he will state that the objections of the House of Commons to any of these Amendments shall be sent up to this House in time to give us an opportunity for the full consideration of any such changes. I have looked at the state of business in the other House, and though there appears to be a considerable number of Bills in progress there are not many of them which will be likely to lead to protracted discussion; and, therefore, it is of the more importance that questions upon which you have felt it necessary to introduce important Amendments in the Bill should, if again altered in the other House, be brought up here in time to allow of ample consideration. I am quite sure there are many of your Lordships who felt a strong objection to abolish the distinction now existing between traders and non-traders; they acceded to that proposal, however, although they felt it was an experiment of doubtful policy, being mainly influenced by the clause which deprived that portion of the Bill of any retrospective effect. That being so, I do not think it would be fair to this House, if, after the Government have allowed the Bill to pass here without an objection, it should be suffered to remain a considerable time in the House of Commons, and then be returned to us at a period when your Lordships' House is but thinly attended, and when the Government may think they can carry any Amendments. I do not wish to anticipate that that it is the intention of the Government; but I hope the noble Earl will be able to say that the Government will accept the Bill as it stands, and will recommend the acceptance of it by the House of Commons, so as thereby to terminate this discussion by the passing of a measure which in the main will, I believe, be very acceptable to all classes of the mercantile community, though there may be a difference of opinion with regard to some of its provisions.

Earl GRANVILLE said, that what the noble Earl had stated in reference to the proceedings of the Select Committee were in the main accurate—the Amendments certainly were not agreed to until after much difference of opinion and long discussion. But he (Earl Granville) was not at all converted from his original opinion that in no one way would there be any great advantage in referring the Bill to a Select Committee. By discussing the measure in the House their Lordships would have enjoyed all the advantages derived from its consideration before a Select Committee, with this further and great advantage—namely, that the public would have been made aware of the arguments which were urged on either side. In point of order, too, there would have been the additional advantage, that whereas in the Select Committee four or five noble Lords were sometimes stating their views at once, here only one noble Lord would have spoken at a time. He admitted fully that the Committee had paid an earnest and anxious attention to the Bill according to their respective views of its provisions, and he admitted also as to most of the divisions which had taken place that they were not purely party divisions, but that noble Lords on the same side of the House voted in different ways, and that on the whole the Committee dealt with the Bill in a spirit of impartiality and fairness. He did not think it necessary to go through the different points on which alterations had been introduced. The noble Earl had asked him for so many assurances with regard to the Bill that he could not remember them all.

The Earl of DERBY: I only asked for one assurance, and in the alternative for one other.

Earl GRANVILLE said, the noble Earl had asked him to assure the House that the Government would adopt the Bill as it now stood, and would press its acceptance upon the House of Commons, and if any alterations were made in the other House that the Bill should be sent back to this House at an early period. Now, it was quite impossible for him to give such an assurance. The noble Earl said that the Government had accepted the alterations made in this House. They had certainly accepted them to this extent—that they had not abandoned the Bill owing to their having been made. When a Bill of this sort was referred to a Select Committee, although it was perfectly competent for any one to re-open the questions decided upon by that Committee, it was the general practice to accept their decision with regard to the details. There was a majority in the Committee in favour of the Amendments which were adopted, and when the Bill came again before the House there seemed to be the same majority there, so that it would have been idle to endeavour to reverse that decision. No one could be more anxious than the Government were that a Bill should be passed in the course of the present Session on this important question:—with regard, however, to the assurance which he had been asked for he could not say more than that the Government would carefully consider the altered state of the Bill; that they would accept it if they deemed it for the public advantage to do so, and that if alterations in it were made by the House of Commons they would endeavour to send it back to this House as quickly as was consistent with the due course of public business.

Lord OVERSTONE: My Lords, I am desirous to say a few words on the present occasion, because I concurred in almost every alteration made by the Committee in the Bill, which in its further progress I earnestly hope will have the real and cordial support of the Government. I am the more anxious to express my feelings with regard to this Bill, because previous to the reference of the Bill to the Select Committee the duty was imposed on me of presenting several petitions, signed by many influential parties connected with the mercantile and trading world, not only in this Metropolis, but in various parts of the kingdom; all these parties expressing some apprehensions more or less distinct of the danger to which the Bill would be subjected from alteration in the Select Committee. But, having attended that Committee regularly, and watched its proceedings with great attention and anxiety, I am bound to say thus publicly, that in my opinion the members of that Committee, to whatever political party they belonged, discussed the Bill with perfect good faith, and with the determination to apply themselves diligently to correct many real defects and render it a practical and really valuable measure. I agree with the noble Earl (Earl Granville) in regretting in some respects that the discussion in the Committee was not taken in a more public manner; had that been so the public would have been made more fully aware of the strong, and I think, unanswerable reasons on which the decision of the Committee was founded. It appeared to the Committee that the creation of a new Judge was unnecessary; that it would only substitute an inferior tribunal of appeal for a better one now existing; that it would create a new officer with a large salary, whose appointment would not be attended by any adequate results; and that, after the first impression of novelty had worn off, the appointment would assume the appearance of what is called a job. The rejection of this new judgeship was, therefore, most wisely and judiciously decided upon; indeed, it received more general approval in the Committee than any other alteration. There are some other modifications, but those I will not now discuss. I will simply say that, in my opinion, by the changes made by the Select Committee, the measure has been materially improved; and, from what I have been able to ascertain of the feeling of the country on the subject, I may venture to say that a large proportion of the community are prepared to accept the Bill in its present form as a satisfactory measure, from which they may expect to derive many, if not all, of the beneficial results they are anxious to obtain; and if the Bill should miscarry in the other House of Parliament, through want of faithful support from the Government, I think it will be a great calamity, and will cause very general disappointment.

LORD LYVEDEN said, he was aware that his opinion in the law did not deserve much weight with their Lordships, but he had attended the meetings of the Committee very regularly, and although he had entered it under the impression that the Bill was perfect, he had come out convinced that, by some of the alterations adopted, it had been greatly improved. He regretted to observe the disposition of the Government to depart from the recommendation of the Committee to dispense with the Chief Judge. He had every wish to support the Government on this point; but having listened to the matter fairly, he must say that not the shadow of an argument was adduced in favour of creating such an officer. It was not simply a majority of the Committee that so decided; there was, in fact, a real unanimity upon the subject; and he thought it was one of those things in reference to which the House of Commons would hardly venture to say that they were prepared to be more extravagant than the House of Lords. True, the Commons had been dealing rather extravagantly of late with the public money; but, seeing that not even the law Lords—to say nothing of the lay Lords—had an argument to advance in favour of the new judgeship, he thought it would be an outrageous act if the House of Commons were to attempt to restore the clause. He hoped, at least, the Government would not lend their aid to such an act on the part of the House.

THE LORD CHANCELLOR said, that his silence must not necessarily be considered as an acquiescence in what had just fallen from his two noble Friends, for he conscientiously believed that by doing away with the Chief Judgeship the Bill was mutilated and deteriorated. He was sorry that the arguments which he had used had made such small impression upon the Committee, but his opinion was that there were functions assigned to the Chief Judge which could not be supplied by any other means; that the Bill would not work beneficially without an increase of judicial power, and that there was much reason to regret that that portion of the Bill had been struck out. He believed it was no part of the noble Earl's intention to move the destruction of the Chief Judgeship. Indeed, the noble Earl (the Earl of Derby) took the merit to himself that neither he nor his Friends had proposed the Motion which had so mutilated the Bill, and, in all probability, if it were not for a Motion emanating from a totally different quarter, but for which he had sincere respect, the Chief Judge would have passed triumphantly through the Select Committee. The noble Earl had asked him, before voting against the chief judgeship, whether he was prepared to say that the Government would not go on with the Bill if that Motion were carried; and he (the Lord Chancellor) replied, with perfect sincerity, that he was not prepared for such a Motion being made; that he had no authority from the Government for stating that they would not go on; but he believed that without the Chief Judge the Bill would not work beneficially, and there was great reason to doubt its success. That opinion he still retained; and he believed that it would be a very great improvement of the Bill if the Chief Judge were restored. He repeated, however, what he had stated on a former occasion, that he was satisfied the Committee had acted fairly and conscientiously, and with the single aim of making the measure as perfect as possible.

Lord CRANWORTH said, that he had taken pains to point out to the Committee all the functions which the new Chief Judge would have to perform, both in substitution for the present Courts of Appeal and *de novo*, and certainly all that he was required to do *de novo* was infinitesimally small. There was no opposition to the abolition of the judgeship in the sense of a division. His noble and learned friend had stated to the Committee very nearly what he had just said; but he did not then give more reasons for the appointment than he had given now. After investigating the question narrowly, he had himself come to the conclusion that there was no necessity for such a functionary, and the Committee were of the same opinion. On other alterations proposed there were divisions, but on this there was none. He was very glad that this short discussion had taken place; he hoped it would remove an impression he was sorry to see had taken root in some quarters—that their Lordships had a sort of normal function of opposing what the rest of the community wished and desired. He was sure that those who witnessed the course taken by the Committee would admit that it could not have come to any other conclusion than that there was nothing of a party character in the Committee's discussions. With regard to the Assignees' clauses, it had been made a question how far the mercantile interest ought to preponderate; but this ought not to guide the decision. He thought it far from desirable that three-fourths of the creditors should decide what the other fourth were to do. It was because this was thought a dangerous provision that the Committee introduced the only substantial alteration in principle in the Bill. It was this—that the management and collection of the funds of the creditors should be placed, or rather remain, in the hands of the official assignees, and should not be in the hands of the creditors' assignees. He considered that it was a most beneficial change to make in the Bill, to entrust the administration of the estate to a person who had no interest in concealing anything, and who would expose alike the delinquencies of the creditor and of the debtor. This was the only alteration in substance that had been made by the Committee, for the chief judgeship was a question of the machinery only. There had been a great fallacy prevalent in treating the creditors of an estate as though they were a corporation, whereas, in fact, each had his own individual interests. Why should a creditor for £100 be told that he must leave another creditor, whose debt was £300, to decide in what way the liquidation should take place? He believed that the old system was the best, and that it was for the public interest that there should be some independent functionary to see that justice was done. The alteration which had been introduced by his noble and learned Friend (Lord Brougham) thirty years ago, whereby official assignees were substituted for creditors' assignees, had produced most beneficial results, one of which was the recovery of a sum of between £2,000,000 and £3,000,000, which, after lying idle for years, was divided among the creditors who were entitled to it. He, therefore, trusted that when the Bill was returned to the other House it would not be supposed there that their Lordships had been merely intending to obstruct a Bill which would be beneficial to the mercantile community; but that it would be agreed that they had been endeavouring to render it as fit as possible for the objects which it was designed to carry out.

Lord WENSLEYDALE bore testimony

to the unwearied attention that had been devoted by the Select Committee to the consideration of this Bill. He had concurred in the alteration that had been made by striking out the Chief Judge, for the thought that the arguments of his noble and learned Friend (the Lord Chancellor) were quite insufficient, and that never before had there been a proposal to create so unnecessary an office. The business which that functionary would have had to dispose of would be only that which the Vice-Chancellor formerly, and now the Lords Justices had to deal with, and he found that the bankruptcy appeals in Chancery only occupied an average of fifteen days a year. It was monstrous to suppose that to dispose of that business a Judge was required of equal rank and with higher salary than the common law Judges, whose whole time was devoted to the performance of public duties.

Motion *agreed to.*

Bill read 3^a accordingly, with the Amendments; further Amendments made.

On Question that the Bill do pass,

Lord BROUGHAM rose to confirm the statement of his noble and learned Friend (Lord Cranworth) as to the great and beneficial change that had been made in taking the management of estates out of the hands of creditors' assignees and transferring them to official assignees. When he proposed that alteration thirty years ago he was assured by a member of the banking firm of Smith, Payne, & Co., that that house would lose between £3,000 and £4,000 a year by the change, being the amount of interest upon sums of money belonging to various estates which lay idle and unprofitable—as far as the creditors were concerned—in their hands. At the time he referred to a sum of between £2,000,000 and £3,000,000 was recovered by the official assignees which had been neglected by the creditors' assignees, and dividends were paid; in some cases the debts were fully satisfied and the bankruptcies annulled. The Bill as it now stood contained some very valuable principles, and would, he hoped, be deemed acceptable by the other House.

The LORD CHANCELLOR said, it might be supposed from that conversation that this Bill as it originally stood wholly dispensed with the official assignees. That, however, was an entire mistake. Great benefits had resulted from the labours of the official assignees, but those benefits would be preserved and made even more effectual by this measure. It was the almost unanimous desire of the commercial world that there should be a creditor's assignee appointed by those who had an interest in the debtor's estate, and also superintended by them, and that he should be carefully watched over by the official assignee, who in turn should, likewise, be carefully watched over by the creditors' assignee. As originally framed, the provisions of the Bill in this respect would, he believed, have worked most advantageously.

Bill *passed,* and sent to the Commons.

GREENWICH HOSPITAL BILL.

COMMITTEE (ON RECOMMITMENT).

Order of the Day for the House to be put into Committee (on Recommitment) read.

Moved—That the House do now resolve itself into a Committee.

The Earl of HARDWICKE said, their Lordships were about to deal with a great and honourable charity, which was not a fit subject for party discussion, and he now appealed with confidence to the House to rescue that charity from the condition in which it had hitherto stood. Greenwich Hospital had long been used for purposes of Government jobbery by all parties, and it was high time that such a state of things should be put an end to; but this Bill would perpetuate all these evils. The institution was one of such national value and importance that the country generally must feel a deep interest in its proper and efficient management. Its funds, which were very large in amount, were derived from various sources. It had about £3,500,000 sterling invested in Government securities; it had also large landed estates in the north of England; it had mines besides; and a fund of about £500,000 taken from the wages of British seamen. This honoured charity was not a charity only—it had a double claim to public consideration—because it at once offered to seamen a reward for distinguished services and an honourable retreat in which to spend the years which remained to them after an active career. In 1829 the Hospital was found to have been so mismanaged that Parliament interfered with some strong measures to check the evil. The funds had been used by the Government of the day for purposes which it was difficult to define, and the Ministers suddenly became so alarmed that a Bill of Indemnity was brought in to protect them from the legal consequences of their acts. An enactment was also passed re-constituting the government of the Hospital on principles sound enough in themselves, but which had led to serious mischief from the manner in which they had been applied. From 1829 down to 1842 the Governors and managers of the institution were political officers who vacated their appointments with the Ministry of the day. In 1841 Sir Robert Peel attempted, without coming to Parliament for the purpose, to remedy the evil by appointing a Commission to inquire into the management of the Hospital. In that he was assisted by Sir James Graham, who, in the evidence which he gave before the Commission on the subject, said that, as far as his experience went, the checks insituted in 1829 with regard to the safe custody of the monies had proved inefficient ; and he spoke of the great misfortune that arose from the circumstances that the governorships were filled up on political considerations, and that the Governors were permitted to have seats in Parliament. The spirit of the Act of 1829 was, no doubt, perfectly pure; but as administered by the Government of the day was corrupt in the extreme. The remedy proposed by the Commission of 1842 was the appointment of naval officers as Commissioners and trustees who were to have the management of the estates and funds of the Hospital, but were to have no part in the management and internal discipline, which was placed under a permanent managing body ; and the Commissioners were not to have seats in Parliament. This arrangement had, however, broken down. What was wanted in the present condition of the Hospital was a better system of internal management, and detailed discipline, together with the faithful carrying out of the Act of 1829. He now came to the Bill before the House, and he would ask whether it was likely that it would rescue the Hospital from the position which he had described when it was considered that the measure would hand over the management of the funds, estates, and patronage of the establishment to the Board of Admiralty? The whole management of this great national charity was handed over more than ever to the jurisdiction and administration of the Lords of the Admiralty for the time being, thus rendering its government a political matter, instead of being, as it ought to be, vested in the Crown, or in Commissioners appointed by the Crown, independent of all exercise of political power whatever. What he would recommend was very simple. He would say that the Crown, naturally having the power, should be authorized by Parliament to appoint a body of independent gentlemen to be Commissioners and trustees, perhaps three in number, to hold the estates and properties of the Hospital; adding, if they liked, two Ministers of the Crown. These Commissioners should be thoroughly independent of any control whatever, and should not be permitted to have seats in Parliament. They should be the managers of the estates and properties belonging to the Hospital, there being also a receiver and a banker; the Admiralty should then come in to deal with the property for the benefit of the Hospital, its whole appointments, details, and discipline being handed over to them. He would, however, separate as much as he could the government of the estates from the political control of any party, except with the consent of Parliament. He hoped their Lordships would deal with this Bill in such a manner as they thought would best secure the interests of the Hospital. He held a strong opinion on the subject, and he must enforce that opinion by a division. For the purpose of raising the question he should move that the Bill be recommitted this day week, in order that the Bill might be amended in the form he proposed.

Amendment *moved*, to leave out ("now") and insert ("this Day Week.")

THE DUKE OF SOMERSET said, that when he understood the noble Earl intended to oppose this Bill, he was curious to learn on what grounds he meant to do so, for it was strictly founded on the Report of the Commission—its whole scope and object was to place the estates and management of Greenwich Hospital on a better and more satisfactory footing, in order that the funds should be applied more effectually to the benefit of the inmates. On the former occasion he stated strong reasons why the Amendment was rejected. He then, from statistics of good authority, compared the cost of the pensioners in the Hôtel des Invalides with those in Greenwich Hospital. The cost of maintaining a pensioner at the Hôtel des Invalides in France was £31 16*s.*; the cost of a pensioner at Greenwich Hospital amounted to £59 6*s.* —almost double. The cost as to food and care was very much the same in both ; the great difference arose on the cost for discipline, administration, and the care of the sick. In France the cost per head for these purposes was £5 5*s.*; in Greenwich Hospital it was £28 18*s.* This alone showed that some change was required. With regard to the management the proprosal of the noble Earl was that the Crown should appoint two or three independent gentlemen, and that they should have the management of the Hospital. That was the very thing the Government proposed to do—they proposed that a Rear Admiral should be appointed for five years, removable at the end of that term; that a Medical Commissioner connected with the navy should be appointed, also removable at the end of five years; and that one civil Commissioner, to act as an accountant, should also be appointed. The appointment of civil Commissioners to be of a more permanent character. This was quite in accordance with the suggestion of Sir James Graham, who said he saw no necessity for more than one Civil Commissioner. There would be no patronage beyond what was now exercised by the Admiralty in the appointments connected with the Hospital and the dockyards. The noble Earl objected to the Commissioners having seats in Parliament. He (the Duke of Somerset) quite agreed that there should not be political appointments, and when he proposed that the Commissioners should be a naval officer, a medical man, and an accountant, he never anticipated their going into Parliament. With regard to the livings belonging to the Hospital, the Act of George IV. appointed the First Lord of the Admiralty patron. It was provided that they should be filled by chaplains in the navy, and chaplains would be appointed to them hereafter. The nominations to the upper school at Greenwich used to be with the Lords of the Admiralty, and one of the first things he did on coming into office was to give up that patronage, placing the matter in the hands of a very competent body. Examinations were to take place, and candidates were to be selected, according to regulations which were to be laid before Parliament. It had been said the accounts of the Greenwich Hospital estates were not brought under the Audit Office. There was a clause in the Bill which provided for an effective audit, and, as that clause had been drawn up with the assistance of the Accountant General of the Navy, and of Mr. Anderson of the Treasury, he had no doubt it would answer its purpose in every respect. The monies were to be paid into the Bank of England, the accounts were to be rendered from time to time to the Admiralty, and were to be submitted to the Commissioners for auditing the public accounts. With regard to the general purposes of the Bill, his object was, in the first place, to increase the advantages of the Hospital to seamen. He had already raised the allowance of a certain class of pensioners, and done many other things which he was able to do without an Act of Parliament. But a new Act was required to put the whole establishment on a better footing than heretofore. The existing system of management had not worked well, and he had no doubt that the plan proposed in the Bill would be found a great improvement. He proposed, among other changes, that the subordinate offices connected with the Hospital should be filled by persons appointed for the efficiency of their services, and not from motives of benevolence. More money would then be available for the real objects of the charity. The Bill was founded upon the Report of the Commissioners, though he had thought it inexpedient to adopt the whole of their recommendations. One of their proposals which he had rejected was that arrangements should be made for the accommodation within the Hospital of the wives and families of pensioners. Upon several other points he had not adopted the recommendations of the Commissioners; but he had followed their Report wherever he had found it practicable to do so. He believed that the plan for bringing in fresh men every five years would give life and activity to the management of the Hospital. The present Governor was to be retained, but his administrative duties would be transferred to the new Commissioners. He might still, however, exercise a useful supervision, and communicate with the Admiralty from time to time. The noble Duke concluded by stating his readiness to insert a clause, prohibiting the Commissioners from sitting in Parliament, and to give a careful consideration to any other Amendment which the noble Earl might see fit to propose.

THE EARL OF DERBY said, it was some time since he read the recommendations of the Commissioners in respect to the pensioners of Greenwich Hospital; but so far as his recollection went the alterations recommended did not require an Act of Parliament. They could be introduced by the Governor himself. Undoubtedly there had been for a long while serious mismanagement of the affairs of the Hospital, which could not be remedied without an Act of Parliament. With regard to the last named officer, it appeared to him (the Earl of Derby) to be a singular course to pursue, and contrary to the practice of modern times, to leave the Governor in his high and honourable office, and to deprive him of all interference in the management of the institution.

THE DUKE OF SOMERSET said, that that was a recommendation of the Commissioners.

THE EARL OF DERBY said, it might be so; nevertheless it was contrary to practice to make these appointments mere honorary offices, and to prevent the head of the Department from interfering in the management. But his main object was to call attention to the circumstance that the noble Duke had not drawn a distinction between two subjects totally different—namely, the Hospital and the arrangements connected with it, and the management of the estates which provided funds for the Hospital. He quite agreed with the noble Duke that the management of the Hospital might be conducted by Commissioners acting under the control of the Admiralty, and removable at a certain period of time; but he could not conceive any arrangement so absolutely destructive of good administration as one by which the agent managing an estate should be removed at the end of five years.

THE DUKE OF SOMERSET explained that the estates had been managed for a great many years by a receiver who had brought them to a high degree of improvement; and he never thought of removing him from office. But no person was immortal, and it might be necessary that another should be appointed. The receiver, however, would have to render his accounts as before to the Commissioners, and they would be audited by the Audit Office.

THE EARL OF DERBY said, the explanation of the noble Duke seemed to be that the Commissioners would have the nominal management, but they would have nothing to do with the estates in the hands of the receiver. It appeared to him that the management of the estates should be wholly distinct from the management of the Hospital. Then with regard to the livings, the noble Duke said they had been under the control of the Admiralty for a long period, and that it was desirable that they should so remain. Now he (the Earl of Derby) thought it much better that the advowsons should be sold and the proceeds carried to the credit of the charity.

THE EARL OF HARDWICKE thought he was quite right in the course he had taken, but would not divide the House upon his proposition. He would remind the noble Duke that according to the charters of 1775 and 1809, it was provided that the management of the Hospital should be under the control of officers who had lost a limb or had been otherwise disabled in active service. And now the noble Duke was preparing a scheme which was precisely contrary to the intentions of the founders.

Amendment (by Leave of the House) *withdrawn;*

Then the Original Motion was *agreed to;* House in Committee accordingly.

Clause 12 (Continuation of Office of Governor),

THE EARL OF ELLENBOROUGH considered that the office of Governor of Greenwich Hospital should be conferred on the ground of great public services; and he objected to making it an honorary employment. It might be honorary, but it was not honourable to place an old officer in such a situation, giving him nothing but money and a house furnished, and depriving him of all power. He proposed to leave out the words at the end of the 12th Clause, "and shall not take any active part in the management of the Hospital."

THE DUKE OF SOMERSET said, that if the Governor were to take any active part it would unhinge the whole management, and it was, therefore, thought advisable to appoint an officer in whom the Admiralty had confidence, and who could give them an independent opinion, but without conferring on him a power which would clash with that of the Commissioners.

THE EARL OF ELLENBOROUGH said, that might be avoided if the Government would adopt the suggestion of his noble and gallant Friend, and give the Governor the internal management of the Hospital and that of the estate to the Commissioners.

Amendment *negatived.*

Clause was then *agreed to* without a division.

Amendment made; the Report thereof to be received on *Friday* next.

MILITIA.—ADDRESS FOR RETURN.

VISCOUNT HARDINGE moved an Address for a Return of the Establishment, Effective Strength, and Numbers present at the Training of Militia regiments in 1860; and a similar return for the present year. What he wished to ascertain was how the regiments had come out this year, numerically speaking, as compared with last year?

EARL DE GREY AND RIPON said, his noble Friend the Secretary for War, who had been obliged to leave the House owing to other engagements, had commissioned him to say that the Militia had come up during the present year in greater numbers, and had displayed greater efficiency, than was the case last year. Perhaps the noble Viscount would not move the return at the present moment. His noble Friend had ordered a comparative return to be prepared giving the precise information which was desired, and it was a great source of satisfaction to his noble Friend and the Government that this return would show increased numbers and efficiency on the part of the Militia in the present year.

Motion *agreed to.*

House adjourned at half past Seven o'clock, to Friday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, June 18, 1861.

EAST INDIA COUNCIL AND HIGH COURTS OF JUDICATURE [SALARIES, &c.].

COMMITTEE.

Order for Committee read.

MR. MILNER GIBSON moved that the House should resolve itself into a Committee upon this subject,

House in Committee.

(In the Committee.)

SIR HENRY WILLOUGHBY said, he found that the Government proposed to create two new Members of the Indian Council at a salary of £8,000 a year each, whose nomination was to be placed in the hands of the Secretary for India in this country, and also to invest the Indian Secretary with the power of appointing fourteen additional Judges. He (Sir Henry Willoughby) objected both to the contemplated extension of the patronage of the Indian Secretary, and the addition to the expenditure of India, and he should upon a future occasion oppose those proposals.

Resolved,

"That it is expedient to authorize the payment, out of the Revenues of India, of the Salaries of the ordinary Members of the Council of the Governor General, and of the Salaries, Retiring Pensions, and Expenses of the Judges of the High Court of Judicature of the several Presidencies, in pursuance [of the provisions of any Acts of the present Session relating to the Council of the Governor General, and the establishing High Courts of Judicature in India."

House *resumed.*

Resolution to be reported *To-morrow.*

HARBOURS BILL.—COMMITTEE.

Order for Committee read;

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. LINDSAY said, he rose to call attention to the great difference between the Bill upon which the House was now asked to go into Committee, and the one which passed a second reading about six weeks or two months ago. The Bill proposed to grant loans for making of harbours. To that he had no objection. Neither had he any objection to the proposal to abolish passing tolls. Indeed, he hoped the Amendment of which notice had been given by a hon. Gentleman, to refer that part of the Bill to a Select Committee, would be withdrawn. Passing tolls had already been examined into by Select Committees, and they had been condemned by both sides of the House. Then the Bill proposed to abolish tolls for charitable purposes and differential dues. To these proposals he had no objection. But what he did object to was the mode in which the right hon. Gentleman the President of the Board of Trade intended to deal with this part of the question. And here the difference arose between the Bill then before them and that which had been read a second time. By the first Bill it was proposed that dues levied by charitable corporations should cease and determine from the time when the Bill came into operation. As the Bill then stood, it was proposed that these tolls should not cease till the 1st of January, 1872, and the Government took power to make an Order in Council to extend them even beyond that time. Again, by the first Bill the differential dues were to cease on the 1st of January, 1862, and the parties were to have compensation for five years. By the new

Bill they were to have compensation for ten years. Then he objected to the way in which it was proposed to deal with Ramsgate Harbour. The first proposal was to vest it in the Trinity House; now it was to be placed under the Board of Trade. He had no objection to that if the Board of Trade was to be in the nature of a trustee; but he did object to the powers given in Clauses 32 and 42, by which, as it seemed to him, the Board of Trade would have power to sell the harbour to any private company, though it had been decided by Committees of that House over and over again that no power of selling harbours should exist. But the main point to which he wished to call attention was the following:—Previous to 1826, when we entered into treaties with foreign nations with regard to the admission of foreign shipping, there were certain incorporated bodies who were allowed to levy differential dues on foreign shipping. The amount of dues then levied on foreign ships amounted to £10,000, and we had since paid for compensation to those bodies very large sums of money for the loss of the dues. In Hull there were three bodies who had a right to levy these dues. In 1826 the dues amounted to £5,000; last year the dues on foreign ships were £24,000—for the House would observe that after our change of policy with foreign nations, the amount of foreign shipping that came into our ports was very much increased. By the first Bill the Government proposed to deal very liberally with Hull, and to pay to it £120,000 as compensation. But Hull had already been compensated out of the public Exchequer to the amount of £473,000; so that in all Hull would have received £590,000. The town of Hull was not satisfied with this arrangement. They had demanded, and, so far as the Government was concerned, succeeded in obtaining £240,000, which, added to the sums they had already received, would give them compensation to the amount of £713,000. Now, he wished to know how it came that a Bill had been laid on their table by which Hull was to receive £120,000, and that now they had before them another Bill which increased that sum to £240,000? He hoped this was not done under the threat that the parties locally interested would do their best to throw out the Bill if their demands were not complied with. Then take the case of Newcastle:—In 1826 the Corporation of Newcastle received from differential tolls on foreign shipping £1,100; last year they received £10,400 for foreign shipping. They had received in all as compensation £126,000, the greater part of which had gone to pave the streets of Newcastle. The Trinity-house of Newcastle in 1826 received £350 for the pilotage of foreign vessels; but in 1860 it received £8,600. These two bodies in Newcastle had received in all £240,000 since 1826. By the original Bill £95,000 was proposed to be given to them as compensation; but by the new Bill no less a sum than £195,000 was to be given, in addition to the £240,000 which Newcastle had already received. He wanted to have an explanation of this change. Liverpool was down for a respectable sum in the shape of pilotage. They had paid the Liverpool pilots since 1826 somewhere about £172,000. By the original Bill they would have had to pay them in round numbers £45,000 more; and that was a liberal settlement, considering they had already received £172,000. But the Liverpool pilots, he was sorry to say, were no more satisfied than the Hull and Newcastle Corporations appeared to be; and they demanded, and it was proposed by Bill No. 2 to give them, £90,000, for which the public derived no benefit. The pilot boats were held in shares, and the sum drawn from the Exchequer was divided amongst the owners. The consequence was that a pilot boat worth about £2,000 sold for £8,000, and paid an interest of somewhere about 9 per cent. He must complain that the Liverpool pilots should have the right to come to the House every year and ask for £9,000, for which they gave no equivalent; and that when a sum of £45,000 was offered to them, they would not be satisfied, but came down and got a pledge that they should get £90,000. He also must complain that the President of the Board of Trade should have got a Bill read a second time, with propositions giving to certain parties £250,000 by way of compensation, and that now he should produce a totally different Bill, giving compensation to the same parties to no less an amount than £500,000. He should be prepared in Committee to make such Amendments as would remove the objections he had stated.

Mr. THOMPSON said, that the proposal in the Bill to give loans to harbours which could give security, was a mockery in so far as those harbours were concerned which could not give security. Taking the case of Whitby, its present revenue was about £5,800, of which £5,300 were derived from passing tolls, and if those were taken off, as proposed by the Bill, the place would be left with only £500 to maintain its harbour. What was there in that to afford security? Nor would the harbour retrieve itself by levying dues on imports and exports. The utmost that could be expected from such a source was £1,100 or £1,200 a year, which would be totally insufficient for any purposes of providing harbours of refuge. That would be the result of the application of the Bill to the case of Whitby, which, as a harbour of refuge, had saved 3,700 ships in six years. It became them, therefore, to consider whether they were to have any harbours of refuge or not. Were they prepared to give up the principle of selection of the best places for these harbours of refuge, and, by adopting the Bill, simply give such places the power of raising a loan for the purpose? He was not favourable to passing tolls, but until a proper substitute had been provided he did not think that Whitby should be deprived of the privilege of levying them. For these reasons he should move that the Bill be referred for consideration to a Select Committee.

Amendment proposed, to leave out from the word "That," to the end of the Question, in order to add the words "the Bill be committed to a Select Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. DEEDES seconded the Amendment.

MR. CAYLEY said, he thought that the hon. Gentleman (Mr. Thompson) had clearly shown that compensation should be given in the case of Whitby, if the passing tolls that now existed there were abolished. These tolls were granted to Whitby, not by charter, but by Act of Parliament, in perpetuity. He trusted, therefore, the right hon. Gentleman, the President of the Board of Trade, would reconsider the case of Whitby in that spirit in which he had dealt with the cases of Hull, Newcastle, and Liverpool.

MR. DEEDES said, he had seconded the Motion for referring the Bill to a Select Committee, because he could see no other course open by which the interests of the parties which would be affected by the Bill could be submitted to fair consideration. As to Whitby, he thought it was one of those cases in which the House might fairly step in and protect its privileges. The measure would interfere with private interests to an extent which required the most careful consideration on the part of the House; and he had to observe that the labours of the proposed Committee need not extend over a very lengthened period, and need not prevent the House from passing the measure before the close of the present Session. He specially objected to the new clauses in the Bill for the management of Dover Harbour, and he thought the commissioners of that harbour were fairly entitled to be heard in the matter. Parliament had sanctioned the payment of passing tolls at Dover, for the purpose of maintaining the harbour, and it, likewise, sanctioned the borrowing of money on the security of those tolls, for the purpose of carrying out various kinds of improvements. The case of Dover was shortly this: the harbour commissioners, on the faith of Acts of Parliament, had borrowed from the Exchequer Loan Commissioners a certain sum for carrying out extensions and repairs in connection with the harbour. The Bill proposed provided from the 1st January, 1862, to abolish passing tolls, which were the security for the payment of the money borrowed, without in any way providing for the extinction of the debt. A sum of £5,600 was paid yearly to the Exchequer Loan Commissions, in the shape of principal and interest, and he did not see what means the Board would have to pay that sum in future years if the tolls were abolished. He affirmed that the Gentlemen who proposed to deal in that way with Dover, ignored the very first principle which they ought to adopt—that of paying their debts. He was a commissioner of Dover Harbour, but he disclaimed having any interest whatever in the matter beyond that of protecting those rights which he had been elected to defend. If, therefore, the hon. Member for Whitby went to a division, he would support him in sending the Bill before a Select Committee.

SIR FRANCIS GOLDSMID said, that he naturally looked at the matter in this light—whether the Bill which was intended for the benefit of the shipping interest would impose an undue rate of charge upon the Consolidated Fund, and thus upon the greater portion of Her Majesty's subjects. He agreed entirely with what had fallen from the hon. Member for Sunderland on that point. The harbour of Hull, for instance, had already received, in the shape of differential dues, what would amount to eighty or ninety years' purchase. The 29 *Geo.* III., to which the Trinity House of Hull referred in their petition, recited an intention simply of indemnifying, but instead of that, it had given what would really compensate the parties several times over, and had paid not only on the amount of shipping which then frequented the harbour, but on the increased amount which was attracted by the provisions of the Act itself. It was just as if, upon a proposal to free Waterloo Bridge, they should pay, not upon the number of passengers who now passed, but upon the increased number that would pass when there was no toll to pay. That was a mistake on the part of the Government of the time, and he could only say that the different bodies interested were very fortunate in obtaining what they did. He hoped, if the Bill were to go to a Select Committee, the Board of Trade and the public would be free to contend that the compensation should be reduced to a much smaller amount, and that they were not in any way bound by the proposals of the Bill.

Mr. CAVE: The remarks of the hon. Baronet entirely vindicated the course proposed by the hon. Member for Whitby to refer the Bill to a Select Committee, for a Committee of the Whole House was not the best tribunal by which to try the rights of private indivduals. He would take the hon. Baronet's (Sir Francis Goldsmid's) arguments, therefore, as affording the strongest ground in behalf of a considerable private interest, which was very inadequately represented by him (Mr. Cave); he meant the shareholders in Shoreham harbour. The hon. Baronet admitted that those differential dues were secured in perpetuity under the Act, though he said it was done in a bungling manner—that it was not intended to be done, and that, therefore, it ought to cease. The hon. Baronet belonged to the legal profession, and surely he should have known better than that; for even if there were a blunder in the original bargain, at any rate those who ought to suffer were not the innocent parties who had purchased the property on the faith of the provisions of an Act of Parliament. No doubt private interests must give way to public, but he could not see that it was good public policy to deal too harshly with private interests. He had now to complain that, since the Bill had been altered, the injustice of which his constituents were most sensible had been greatly magnified and enlarged; because the right hon. Gentleman, the author of the Bill, laid down as a principle in the original measure that private interests ought to receive double the compensation which was received by public. All public companies were now to receive the same compensation with private parties—namely, ten years. In the course of the speech with which the right hon. Gentleman introduced his Bill, he impliedly stated that twenty years' purchase was about the proper compensation for those interests. The difference between public and private interests was not laid down by the right hon. Gentleman for the first time; it formed a prominent element in the debate on the Bill of 1856 for abolishing differential dues and Passing Tolls. In that debate it was stated over and over again, and Mr. Hallam was quoted to the effect, that private interests ought to be regarded in a different point of view. Moreover, the principle had been acted upon in various instances, especially in the case of sinecures, as in some notorious cases, fresh in the memory of the House, present holders received the full amount of these payments, which, as a matter of public policy, ought never to have been guaranteed to them. No longer ago than the present year the Committee on which he (Mr. Cave) had served, held the Government to their improvident bargain in the case of the Red Sea Telegraph Company. He trusted, then, the House would adopt the proposal of the hon. Member for Whitby, to refer the Bill to a Select Committee.

Mr. MOFFATT thought the alterations which had been smuggled into the Bill were such as could not fail to excite the jealousy of the House as guardians of the public purse, and he condemned that part of the Bill which would enable the Board of Trade to dispose of Ramsgate harbour, it might be to some private railway company. He should be disposed, without further explanation, to support the Motion.

Mr. BENTINCK said, he thought the hon. Member (Mr. Lindsay) did not on that occasion hold opinions which were favourable to British shipping. He had been doing his best, with great ingenuity and ability, but he must say without success, to convince the people of the country that it was better for money to come out of the hands of Englishmen than out of the hands of foreigners. If the money had been productive of no benefit to the country, why, in the name of common sense, should it not come out of the pocket of the foreigner? He thought it most unwise to attempt to deal with rights which had been secured by the most stringent provisions which the country could provide.

SIR JOHN JOHNSTONE said, he hoped that the right hon. Gentleman the President of the Board of Trade would be able to afford such explanations with respect to the Bill that it would not be necessary to refer it to a Select Committee. For his part, he did not wish to do anything which would endanger its passing in the course of the present Session; but he could not help thinking that under the measure as it stood no sufficient means would be left of maintaining many of our smaller tidal harbours.

MR. KENDALL supported the proposal for referring the Bill to a Select Committee.

SIR MORTON PETO said, that he thought they would have done more wisely to have gone into Committee and discussed the clauses. He had heard no argument against the general policy of the Bill, and any argument used had reference to particular clauses. He saw nothing in the Bill to alarm them with respect to Ramsgate harbour. But the sale of public harbours to private companies was by no means a new thing. He very well remembered Folkestone before it was sold to the Corporation, and a more dead alive place he never saw, except Dover. Now it was made a flourishing port, and a large sum of money had been expended upon it. Lowestoft was another instance of the same thing; and he was sure that Parliament would take care that neither Ramsgate nor Dover were handed over to any company without good guarantees being being taken for their proper management. He deprecated strongly the proposal to refer the Bill to a Select Committee.

MR. NICOL said, he wished to defend the inhabitants of Dover from the reflections cast upon them by the hon. Member for East Kent (Mr. Deedes). The fact was the port was suffering from the management of the Commissioners, of whom the hon. Member for East Kent was one. The people of Dover wanted to take their own affairs into their own hands. He objected to the Bill being sent to a Select Committee.

MR. MILNER GIBSON observed, that it would have been very much easier for him to give explanations on the various points of detail which had been referred to as they arose on the various clauses in Committee, but he would endeavour to state the reasons which had induced the Government to make some alterations in this Bill. Those alterations were by no means so extensive as had been represented. So far as the facilities for raising money for improvements in harbours were concerned the provisions had only slightly changed for the better to make the working of the system more efficient. The abolition of passing tolls remained unchanged. It was true that the dues levied by charitable corporations were to be continued for ten years instead of five; but, practically, there was little difference between that proposal and the first. It was found that they had to deal not only with all existing pensions, but with persons who had acquired a right to have pensions, and it was thought the most judicious course to allow the dues for charitable purposes to last for a period sufficient to meet the case of all vested interests. It was, therefore, thought desirable to leave the dues on shipping for charitable purposes for a period of ten years. With regard to the extension of the period to ten years in the case of dues levied by incorporated bodies in certain towns, he admitted that the Government had agreed to that as a compromise. It was true that the original compact entered into by Parliament to give to certain persons a growing income from the Consolidated Fund as compensation for the loss of the differential dues they had to forego was an improvident engagement for the public; but the engagement was entered into, and the process of doing it away was one attended with very great difficulty. In endeavouring to come to an arrangement he had thought it right to extend the period to ten instead of five years. It was true that more was given in the way of compensation than it was originally intended to give; but it should be recollected that the existing claim upon the Consolidated Fund was a perpetual one, founded upon an Act of Parliament, an Act to which there was no termination. The sum claimed as compensation would also increase year by year. It was essentially a growing claim; and, therefore, he thought it a good settlement of the question to name a time at which that claim would cease altogether; and it was satisfactory to be able to say that the assent of all the parties interested had been obtained to the arrangement. He denied that there was any change in the principle of the

Bill, for he could not regard the substitution of ten for five years as any change of principle. He would oppose the Bill being sent to a Select Committee, as it would practically defeat the measure. With regard to Whitby it had not been dealt with so harshly as the hon. Member for Whitby (Mr. Thompson) was inclined to think. It was true they proposed to take away the passing tolls, which amounted to something like £4,000 or £5,000 a year; but they provided under the Bill an income which the Whitby people themselves estimated at £1,100 a year, while at the same time they would relieve that harbour of a debt of £32,770. Passing ships, which did not propose to enter the harbour, ought not to be called upon to support Whitby Harbour. The Government contended that it was not just that passing vessels should be preyed upon by those local interests. A promise was given to the shipping interest, that when exposed to the unrestricted competition of the foreigner—seeing, too, the competition at home by railways and other modes of carriage—it should be relieved from all unnecessary and unjust burdens, and should not be placed at a disadvantage when compared with other carriers. If the House desired to see the coasting trade of England flourish, and together with that her general maritime trade, they could do no better than relieve the shipping interest of those burdens. As for Whitby, it was no harbour of refuge. In fine weather a ship might be got in, but a man would be insane who in a south-west gale, the only formidable one there, would try to get a ship inside its piers. As to the Amendments of which notice had been given by the hon. Member for Dover, they had been brought forward by that Gentleman on the part of his constituents, who proposed to constitute a new Board, and to transfer to it the privileges now vested in the warden and assistants. The people of Dover had a great interest in the management of their own port, and there were railway and other bodies which were directly interested in its good management. It was, therefore, the duty of the Government to consider whether the existing Board was as good a Board as one would be which contained within it members of the corporation and others, and after due reflection they came to the conclusion that the Amendments proposed by the hon. Member deserved support. The present trustees professed to be unable to manage Dover harbour after the passing tolls were abolished. They contended they had a debt to pay, and that the harbour would fall into a neglected state. But the new Board were prepared to take Dover harbour with its burdens and contingencies, and they asked for nothing from the State. Believing, then, that there was property at Dover sufficient to pay the debt, and to yield a considerable income besides, the Government must decline to accede to the proposals of the hon. Member for Kent. The hon. Member for Finsbury (Sir Morton Peto) had correctly stated the effect of the clause as regarded Ramsgate harbour. The harbour having been transferred to the Government, it was thought desirable that the Government should be free to give certain powers to any corporate body, but that could not be done without the entire sanction of Parliament. The Government had received proposals from a railway company, which he thought very advantageous, but they told the company that they could not give them any exclusive powers, and that if they ran a tramway along the pier any other company might make use of it. They had no intention, nor would any Government think of such a thing, to grant Ramsgate harbour to any company without securing that as a harbour of refuge and a commercial port. Ramsgate would be to the shipping interest all that Ramsgate had ever been. Their only object would be to make Ramsgate additionally useful to the public, and also to save the public from any charges which might come upon the Consolidated Fund. He had explained all the points that had been raised, and would simply ask the House to negative the Amendment of the hon. Member for Whitby.

Sir BROOK BRIDGES said, that he was himself a member of the Dover Harbour Commission, and he maintained that there had been no neglect of duty on the part of himself and of his colleagues. All he asked was that that subject should undergo a thorough investigation; and he felt assured that such an investigation would only tend to justify the conduct of the Dover Commissioners. He should support the proposal for referring the Bill to a Select Committee.

Lord LOVAINE expressed his approval of those changes in the Bill which went to increase the amount of compensation to those parties whose rights it would specially affect. He believed that without those changes the measure would never pass through that House, and even if it should do so, he felt perfectly certain that it would be rejected in the other House. He was opposed to the Bill being referred to a Select Committee.

MR. SOMERSET BEAUMONT said, it was a mistake to suppose that all the charters by which the dues proposed to be abolished were granted had been given for the purpose of discouraging foreign shipping. The port which he had the honour to represent (Newcastle) had always been an enlightened place, and it certainly had never been actuated by such narrow views.

MR. LIDDELL said, he thought the discussion which had taken place had been mainly caused by the Government having mixed up so many subjects in one Bill. However, he approved of the Bill as it stood, with the exception as to the proposal to hand over Ramsgate harbour to a private company.

MR. THOMPSON said, that in deference to the wishes of the House, he should withdraw his Motion, reserving to himself the right of proposing clauses in Committee.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

House in Committee.

(In the Committee.)

Clauses 1 and 2 *agreed to.*

Clause 3 (Advances of Money to Harbour Authorities),

MR. BEECROFT moved the following Amendment:—

> "Page 3, line 18, after 'Assistant Secretaries, add 'but any place recommended as a site for a harbour of refuge by Her Majesty's Commissioners on harbours of refuge, in their Report dated the third day of March, 1859, shall have a prior claim on the money at the disposal of the said Loan Commissioners, in preference to any harbour or place not so recommended.'"

The hon. Gentleman said, in proposing this addition to the clause, I may state to the Committee that the mercantile classes are strongly of opinion that no time should be lost in the construction of national life harbours. They take a warm and deep interest in this most important question, in proof of which I may observe that I have this day presented to the House a petition from the Leeds Chamber of Commerce, from which I will, with the permission of the Committee, read one or two short extracts—

> "Your petitioners would humbly represent that, whilst there are certain objects contemplated in the Bill which have their warm approval, they regret to find that the provisions of the Bill which have reference to the loaning of money by the Government for harbour purposes, do not extend to the granting of such aid for the construction of harbours of refuge at several places or sites on the coasts of England, pointed out and recommended by Her Majesty's Commissioners in their Report on Harbours of Refuge, dated the 3rd day of March, 1859. They are of opinion that the grievous loss of life and property which annually occurs on the coasts of England, more especially on the north-east coast in the vicinity of Flamborough Head, in consequence of the want of harbours of refuge, is a matter of grave national importance and responsibility, and one that claims the serious and early attention of your honourable House. They, therefore, respectfully submit that not only the interests of our shipping and commerce, but likewise the higher claims of humanity fully justify an immediate grant of loans by Government towards the construction of harbours of refuge, and that such grant should take priority of any application or grant of loans for any other harbour purposes whatever. Your petitioners would respectfully beg to draw your attention to the peculiar necessity existing for a grand national harbour of refuge at Filey Bay on the north-east coast, the construction of which was strongly recommended by Her Majesty's Commissioners in their Report before mentioned."

In February, 1860, a very large and influential deputation had an interview with the noble Lord at the head of Her Majesty's Government, and strongly urged that no further delay should be permitted to take place, in the commencement of those highly important and humane works recommended by the Royal Commissioners in their Report, dated the 3rd of March, 1859. That Report concluded with the following appropriate and feeling appeal:—

> "We now commend the good work, submitted to our inquiry, to your Majesty's most gracious protection, in the firm conviction that if fairly carried out in the spirit of our recommendations, it will prove not the least noble of the many works of benevolence which will illustrate the history of your Majesty's reign."

The noble Lord said, that he quite agreed with the views entertained by the deputation, but that the state of the finances of the country were such as to prevent the Government granting public money for the construction of additional harbours of refuge. May I ask if the finances of the country are now in a better state than they were then? Certainly not; in that case we must fall back upon the loan, which I should like to see very much increased. The question before us is simply this, are funds to be provided in one shape or other for the construction of harbours of refuge, which all admit to be works of paramount and special necessity? We spend millions of money in building ships of war, and although we know above one thousand valuable lives are annually lost by shipwreck, and from the same cause the destruction of at least one million and a half of property is annually involved, yet we adopt no means to lessen the evil and to prevent as much as possible such national calamities. This must be, to say the least of it, suicidal policy. Under such circumstances I ask how are we to man our fleet in time of war? The line of the north-east coast of England from the Fern Islands to Flamborough Head, a sea distance of 100 miles, is that within which the scenes of shipwreck and loss of life are annually most numerous and distressing. Among this length of coast passes 45 per cent of the whole coasting trade of England and 32 per cent of her entire trade, coasting and foreign together. On this dangerous sea-board, England's great nursery for seamen, the Royal Commissioners have selected the mouth of the River Tyne, Hartlepool Bay and Filey Bay, as the most eligible sites for life and refuge harbours. Filey is admirably situated for such a purpose. It is peculiarly adapted by nature for the construction of a harbour of refuge. Nature having already done five-sixths of the work, and provided an ample store of materials close at hand; stone of suitable quality for a breakwater being in the cliffs immediately adjoining. There is ample depth of water for vessels of any size, up to the largest class of ships in Her Majesty's Navy. The holding ground is but rarely equalled and cannot be surpassed. There is entire freedom from banks and shoals; and absence of all tendency to deposit; and an abundant supply of fresh water of excellent quality. In a strategic point of view, a harbour here would in time of war be of immense service. A squadron of men-of-war stationed here could watch the Baltic, and cover the whole coast from the Forth to the Wash. Harbours of refuge should also be commenced immediately at Hartlepool Bay, and at the mouth of the Tyne, for I maintain it is a positive disgrace to this great country, that the whole coast from the Humber to the Frith of Forth is entirely unprotected, there not being a single harbour capable of admitting vessels at low water. Although I have endeavoured to condense my remarks in as few words as possible, I still hope that I have said enough to convince the Committee that the question of national life harbours is one that ought to have our immediate and earnest consideration. I, therefore, leave with confidence to the decision of the Committee the proposal which I have ventured to bring before it.

MR. MILNER GIBSON said, he must object to any limit being placed on the discretion of the Government in the matter. It appeared to him that it would not be good policy to do so. It must be remembered that the object of the loans was to assist small harbours as well as large, and even fishing harbours, so that they might be improved and made places of protection for life and property. Government ought, therefore, to have full discretion. The hon. Member should bear in mind that the fact of any particular place having been recommended by the Commissioners could not fail to have weight when an application was made on its behalf for a loan. He thought that would be quite sufficient.

MR. BEECROFT said, that he was content to rely upon the promise of the right hon. Gentleman, and withdraw his Amendment.

Amendment, by leave, *withdrawn.*

MR. HODGSON said, he wished to move the insertion of certain words in the clause, the object of which was to make the rate of interest payable upon any sum advanced to the harbour authorities uniform. They were enabled by the Bill to borrow to the extent of £100,000 at the rate of 3¼ per cent per annum, but upon any sum in excess of that amount they would have to pay a larger amount of interest.

MR. FENWICK said, he must oppose the Amendment; it might enable some of the large public bodies to get more than their due share of the public funds.

MR. ALDERMAN SALOMONS said, he should support the clause, the principle of which was right.

MR. MILNER GIBSON said, that the clause did not limit the amount any harbour authority might obtain for the improvement of the harbour, but it merely provided that upon any sum in excess of £100,000 there should be a higher rate of interest, not to exceed 5 per cent, paid. There should be a check against any one great body, such as the Mersey Board, coming forward and swallowing up the whole of the money which Parliament should place at the disposal of the Commissioners for any one year.

Amendment *negatived.*

MR. PAULL said, he proposed to insert in the clause the words "or that with the sanction of Parliament may become leviable." The harbour authorities were only able to borrow money for the purpose of constructing new works at the time when they were empowered to levy rates. Any harbour authorities that might hereafter be constituted would be prevented, unless the Amendment which he proposed was adopted, from availing themselves of the provisions of the Bill until a certain portion of the proposed new works had been completed.

Mr. MILNER GIBSON said, that harbour authorities were allowed to borrow money when they had the right to levy tolls which were taken as security. The Amendment contemplated a prospective right of security, which it might be very unwise to sanction.

The CHANCELLOR of the EXCHEQUER said, that the case of the hon. Gentleman was, that it might be very desirable that persons should have the liberty of borrowing money with the view of carrying works to such a state as they would be in a position to levy the tolls. But that was a proposal of a doubtful nature, and it was expected of all public boards that they should never commit the public funds in doubtful cases. He did not think it desirable that the Committee should agree to the Amendment.

Mr. PAULL said, he would withdraw his Amendment, reserving to himself however the right to bring forward the question again.

Clause *agreed to.*

Clause 4 (Abolition of Passing Tolls),

Mr. THOMPSON said, he proposed to insert words for the purpose of continuing the rates and tolls levied in respect to the harbours of Dover and Whitby until the 1st January, 1867.

Mr. MILNER GIBSON said, he must decline to accede to the Amendment.

Amendment *negatived ;* Clause *agreed to.*

Clauses 5 and 6 also *agreed to.*

House *resumed;* Committee report Progress; to sit again on *Friday* at Twelve of the clock.

THE CHANNEL FLEET.—QUESTION.

Mr. DAWSON said, he wished to ask the Secretary to the Admiralty, Whether it is intended that the Channel Fleet should enter Lough Foyle in their cruise of observation along the Northern Coast of Ireland; and whether, consistently with the convenience of the Service, such visit, which would be esteemed most gratifying, and is desired by the citizens of Londonderry, can be accomplished?

Lord CLARENCE PAGET said, he was afraid he could not give any assurance that the Channel Fleet would visit Lough Foyle. It was very gratifying, however, to the Admiralty to know that the inhabitants of that neighbourhood were very anxious for the presence of the fleet, and the more so because, as he regretted to have to state, the Admiralty had received remonstrances from some other parts of the United Kingdom against a similar visit. He should add that he did not think it was to the credit of those places that they should have objected to the presence of the fleet.

CAPTURE OF THE SHIP *NIGHTINGALE.*—QUESTION.

Mr. PEASE said, he would beg to ask the President of the Board of Trade, If it is true that the United States Steamer *Saratoga* had captured, near the Congo River, the ship *Nightingale*, of Liverpool; whether the ship had 960 Slaves on board, and was ready to carry 1,600 Slaves; and, provided such are the facts, to ask when the ship last cleared from Liverpool, and for what part; and what was the nature of her cargo, and whether her owners reside in Liverpool, and are amenable to the Law?

Mr. MILNER GIBSON said, he had caused inquiries to be made of the Customs' authorities at Liverpool, from which he found that the ship *Nightingale* had cleared out from Liverpool for St. Thomas's on the 24th of November, 1860. He was informed that she was a United States vessel, bound for St. Thomas's and the West Coast of Africa; but neither the Admiralty nor the Foreign Office had received any official account of her capture.

BREECH-LOADING RIFLES.—QUESTION.

Mr. BERKELEY said, he wished to ask the Under Secretary of State for War, Why Terry's Breech-loading Rifles, ordered for the use of the 18th Hussars, have not been delivered?

Mr. T. G. BARING said, that some alteration had been found necessary in the bands of Terry's Breech-loading Rifles, and that as soon as it had been effected they would be issued for the use of the 18th Hussars.

FATE OF THE SHIP *CAMILLA.*
QUESTION.

Mr. WYLD said, he wished to ask the

Secretary to the Admiralty, Whether any inquiries were made regarding the reported wreck of Her Majesty's Ship *Camilla* (Commander Colville) in the Japanese waters in September, 1860, and the result of the inquiries ?

LORD CLARENCE PAGET said, the Admiralty had received three reports from Admiral Hope, which left no sort of doubt as to the fate of that unfortunate vessel, All the information they had received upon the subject had been sent to the public journals, in order that every person who was interested in the fate of the ship might be supplied with the earliest possible intelligence upon the subject. That which placed the loss of the *Camilla* beyond all doubt was the fact that a few days after she had sailed for Yeddo an Indian Government steamer was sent in search of her ; the whole of the coast was narrowly examined ; the Native princes were requested to state whether they could afford any information with respect to her ; and yet all these measures he regretted to say were attended with no success. The first report of Admiral Hope placed the matter, in the opinion of the Admiralty, beyond all doubt. There was a subsequent report that the topmast of a vessel had been seen in that sea, and the Admiralty were disposed to think that it must have been a remnant of the *Camilla.* Another circumstance which tended to confirm the belief of the loss of that vessel was the fact that a Foreign man of war had been lost near the same place during the dreadful typhoon which raged along the coast.

INDIAN PRIZE MONEY.—QUESTION.

SIR HARRY VERNEY said, he would beg to ask the Secretary of State for India, Whether interest is paid by the Calcutta Treasury on the Prize Money paid into it ; whether any interest is paid on Jewels and other Booty before it is realized ; and whether, in future, when booty is taken in India, which it is anticipated will be Prize, Officers in command of Corps are to send in at once the nominal roll, without waiting for the Royal Warrant declaring such Booty to be Prize?

SIR CHARLES WOOD said, that interest was paid on prize money in the Treasury at Calcutta at the rate of 5 per cent. No interest was paid on jewels or property not in the state of money. He could not say when the payment of interest on the money would cease, or whether interest would be paid on jewels, &c., when realized. No notice had been given of those questions, and it was impossible for him to answer in detail questions of this kind without the opportunity of informing himself. With regard to the preparation of prize rolls, Officers in India had been desired as regarded the present prize to prepare them some time ago, and directions had been given that for the future prize rolls should be made out without waiting for the declaration of prize.

CONSUL AT PESTH.—QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the Secretary of State for Foreign Affairs, Whether, as the British Government have no Consul or Consular Agent at Pesth, they are not, since the withdrawal of Mr. Dunlop, deprived of any source of official information from that city ; and whether, for the improvement of our commercial relations, as well as to obtain trustworthy information from that country, it is the intention of Her Majesty's Government to appoint such Consul ?

LORD JOHN RUSSELL was understood to say that the information of which the hon. Member spoke would no doubt be useful ; but he was not aware that we had any commercial relations with Pesth which rendered it necessary to have a Consul there.

CRYSTAL PALACE EXHIBITION.—REPLY.

SIR GEORGE LEWIS said, an hon. Gentleman had asked him yesterday a question in regard to the ascent of M. Blondin at the Crystal Palace with his young child, in reply to which he stated that a letter had been addressed by his direction to the managers of the Crystal Palace Company. To that letter he had since received an answer from the secretary to the Company, dated June 18th, stating that, in obedience to the wishes of the Secretary of State, M. Blondin would not repeat the performance to which attention had been called.

DENMARK AND HOLSTEIN.

ADDRESS MOVED.

LORD ROBERT MONTAGU rose to move—

"1. That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to take such measures as may be necessary to prevent any foreign interference with the ancient hereditary rights of Succession in the Kingdom of Denmark and the Duchies of Schleswig and Holstein.

"2. Address for Copies of Royal Danish Note, addressed to the Foreign Cabinets, to invite them to a Conference at London, for the purpose of regulating the Succession, September, 1851 (alluded to in the Report of the Commission of the Danish Diet).

"Of Protocol of London of the 2nd day of August, 1850 (alluded to in Correspondence on Schleswig Holstein, p. 127, and in the Report to the Danish Diet):

"Of Negotiations relating to the Protocol of London:

"Of 'Report of the Commission of the Danish Diet upon the Succession' (alluded to in the Papers Relative to the Succession, p. 6):

"Of 'Report of Committee, presented to the German Diet on the 17th day of January, 1861' (alluded to in the Correspondence on Schleswig Holstein, p. 133):

"Of 'Protest of Prince Frederick, 1859' (alluded to in the Correspondence on Schleswig Holstein, p. 82):

"And, of 'Despatches of the 6th day of December, 1851' (referred to in the Correspondence on Schleswig Holstein, p. 58)."

It is with great diffidence that I presume to address the House upon the subject of Schleswig Holstein. The fact is, I had no idea at first that the question was of such moment as, on mature reflection, I have found it to be. It is, indeed, a matter not only of most urgent, but of daily-increasing importance. There are, in the first place, many grievances which form a just cause of complaint. Then, again, Baron Schleinitz, in alluding to a despatch of the noble Lord the Foreign Secretary, dated October 27, said that "the right of resistance was a remedy for all political grievances," thereby holding out a threat as to ulterior measures; and Mr. Ward, writing from Leipsic, also said that the question menaced the peace of Europe. The House is, doubtless, aware that a federal execution is pending in Holstein, and will take place on August 6. This matter is, therefore, of great importance in a material point of view, as threatening the peace of Europe and the commercial interests of this country. But it is also of greater importance in a higher point of view. For I hope to show that all this arises from one illegal act: from the rights of a nation having been tampered with, and its fundamental laws swept away. The papers laid on the table prove that in the Duchies of Schleswig and Holstein, police regulations prevail as severe as any that existed in Sicily or Naples; all public meetings are forbidden, the press itself is gagged, and even the right to petition is denied. It appears from Mr. Ward's letter that a system of terrorism and oppression is employed against the German population of the Duchies, for the purpose of compelling them to consent to the abridgment of their Constitutional rights. I refer to the "Correspondence on Schleswig Holstein" (p. 29), where Mr. Ward, after saying that those who signed the Address to the King were subjected to persecution from the police, and that 300 from the town of Schleswig alone were imprisoned, continues in these words—

> "A system of intimidation and terrorism would appear to be carried on against the German population of the Duchy, for the purpose of forcing them to submit to an abridgment of the constitutional rights which have been guaranteed equally to the German and Danish nationalities within the Duchy by the King Duke."

The very use of the name "Schleswig Holstein" is an offence; and every institution bearing it has been suppressed, including the Bible Society, Art Union, Natural History Society, and Antiquarian Society, and even the *Altona Almanack*. This is proved from the papers laid upon the table of the House. But M. Raasloff, in his pamphlet, gives many other instances also. Danish officials who do not understand German have replaced the natives of the Duchies in the courts of law and in ecclesiastical establishments. Further, the Danish language has to be used in the courts of law, in the churches, and schools, even in places where nothing but German is understood. Now, one of the benefits of the Reformation was that the services of the Church were thenceforth performed in the vernacular dialect. Yet the King of Denmark does away with this advantage by causing the services to be performed in a language which is not understood. Two German inhabitants had combined to employ a German tutor; they were immediately subjected to all sorts of indignities and oppression, until the tutor was discharged. M. Raasloff, the Royal Commissioner, mentions this fact; he also gives (*Question of Languages*, p. 32) another instance of the oppression which is carried on—

> "One Herr Berkahn, a landed proprietor in Southern Anglia, engaged a governess from the city of Schleswig, a place which, even in the short exposition above mentioned, is acknowledged to belong to a purely German district. It was not until after the greatest difficulty, and upon the express condition of learning Danish immediately, that the governess was at all allowed to enter upon the duties of her situation, and obtained a pro-

> visional permission to reside with Herr Berkahn. On the occasion of the next visitation by the clerical authorities, Herr Berkahn was commanded to appear before the dean, bringing the children and governess with him; and then the local official said, 'This is not a question of equality of rights. Unless the governess is dismissed by the 1st of November, you will be heavily fined.'"

Even the German books which are supplied to the elementary schools are purposely written in bad German, give incorrect historical and geographical information, and contain immoral sentiments, which must pollute the minds of the children who use them. This seems perfectly incredible; yet it rests on the testimony of the Royal Commissioner himself, who says—

> "Nor has the Danisation of the elementary schools, in the purely German districts, been omitted in the chain of 'logical consequences.' . . . A glance at the *German Reading Book* (edited by the Royal Ministry for the Duchy of Schleswig) . . . will show that, instead of being a guide to the correct knowledge of the language, German children even may be actually made to forget the rules of their mother tongue by the false teaching of an authorized production. . . . The Rev. Dr. Thiess, notwithstanding his Danish sympathies, said that the book was throughout as unchristian and immoral as it was un-German."

Nay, even in the lunatic asylum at Schleswig, which contains ten times as many German patients as Danes, the German board of directors, doctor, and chaplain, have all been removed and replaced by Danes. Thus the patients are cut off from all confidential communication with their attendants, which is more necessary for lunatics than for any others. All this is not a passing injury, but a constant source of irritation. Need I allude to the deception practised by the Prime Minister of Denmark, who has cheated the foreign Governments and deceived his own Diet? Listen to what the Royal Commissioner himself says upon that point, in a pamphlet called *My Reply*, which has been translated into French from the original language. He says—

> "Above all it may be observed what an amount of duplicity has prevailed throughout this whole transaction from beginning to end; so much so that the President of the Council assumes a different pretence when he speaks to me, the Royal Commissioner, from that which he puts on when he addresses foreign Courts. This puts me in a very false and difficult position. But this position becomes no longer tenable when he keeps me in ignorance of the language which he has held to foreign Courts."

In fact, the question seems to travel in a vicious round of great snares and mean deceptions; the Duchies are duped by the one, while by the other they are irritated. But why is all this oppression practised? What is the object? The object of all these measures, all these deceptions, and all these persecutions is to incorporate the Duchies, or, as it is called by an euphemism, to promote the "Integrity of the Monarchy." One of the Danish clergy appointed by the Government, Danish by birth, Danish in sympathies, Danish in associations, had said, when speaking in defence of this system, and yet blaming it as too weak to attain its object, "Yet, after ten years of repression, the German element is still predominant." M. Grundtvig, the incarnation of the Eyder-Danish party, explained, in the newspaper *Fædrelandet*, what were the views of that party—

> "Schleswig shall be incorporated with Denmark; Holstein shall be cut off from Germany, and shall thus be rendered neutral."

The whole country is aware that this is the object. In the year 1838 the Diet of Schleswig Holstein adopted an address to the King, complaining that the whole aim and purport of the Administration had been to separate Schleswig from Holstein, and incorporate the former with Denmark. They said that "they would never submit to annexation;" that "the pressure was perfectly intolerable;" and they reminded the King that "tranquillity had always reigned until this attempt to incorporate began." On the 7th of April last, the Diet at Itzehoe adopted an address, in which they complained that "the preceding Diet had never assented to the Law of Succession of 1853—that it had been submitted to the acceptance of the Danish Diet, but that the assent of the Duchies had never been asked." They refer the cause of all the bitterness and discontent on the part of the people of Schleswig Holstein to the Succession which was forced upon them by the Treaty of 1852, and the Law of Succession which was passed in consequence of that treaty. To this Mr. Ward also bears testimony. He writes, September 27, 1860—

> "There is in the Duchies a large party who are dissatisfied with the Rule of Succession fixed in 1853, and who would, if they could, still give the ducal crown to a prince of the House of Augustenburg."

And Lord Bloomfield, in reporting the debate in the Prussian House of Representatives, tells us that one speaker said—

> "It was for no Power a more sacred duty to

> speak a decisive word on the side of right and justice in the matter than for England, whose policy from 1848 to 1852 had so materially conduced to the misery under which Schleswig Holstein at present groaned."

And that another speaker

> "Specially called attention to the action of the Great Powers from 1848 to 1852, showing how the *status quo*, fraught as it was with the seeds of perpetual disquiet, had been brought about by the overpowering influence of Russia."

Therefore, on the one hand, the oppressive measures of the King arise from a desire to incorporate the Duchies, which is the ostensible object of the treaty; while, on the other hand, the bitterness of the Duchies is traced by themselves to the Succession forced upon them by the treaty. What I undertake to prove is that the union of the Duchies of Schleswig and Holstein has existed from the most ancient times; but that along with this there has been a continued intrigue to incorporate those Duchies with the kingdom of Denmark; in fact, to promote the "integrity of the monarchy." A reference to the *Annual Register* shows that five hundred years ago the Duchies of Schleswig and Holstein were intimately connected. In the time of our Edward VI., Christian I. was elected King of Denmark; and about eleven years afterwards he became the hereditary reigning Duke of Schleswig and Holstein, on the express stipulation that he would swear to observe the Constitution of Waldemar. To this constitution every reigning Duke, from A.D. 1326 to this day, has had to swear; in that oath he swears to preserve the union, the local self-government, and the separate national existence of the States of Schleswig and Holstein. The first oath is that he would preserve Schleswig and Holstein undivided; and another is that no Danish or foreign officers shall be employed in the Duchies. The successors of this King were reigning Dukes of the Duchies as well as Kings of Denmark, because these hereditary Dukes were elected by the Danes as their Kings; for Denmark was an elective monarchy. The Treaty of Roskilde formally recognized Schleswig as a sovereign and independent State in 1658. In the year 1663 Frederick III. effected a *coup d'étât*, and converted the kingdom of Denmark from an elective to an hereditary sovereignty. He promulgated a Law of Succession, making the Crown hereditary in both males and females, but did not interfere with the law of Succession which obtained in the Duchies, according to which females could not succeed to the Ducal Crown. Thus there came to be a different *Lex Regia* in Denmark and in the Duchies. The connection between Denmark and the Duchies is, in fact, precisely similar to that which, before the accession of Her Majesty, existed between Hanover and this country. In Hanover the Salic Law prevails just as it did in the Duchies. England went to the Crown of Hanover because we elected the House of Hanover to our throne, just as Denmark went to the Duchies. But here is the difference: when the Queen ascended the throne, we, rather than break the fundamental law of Hanover which excluded females from the crown, surrendered not only the Kingdom of Hanover itself, but also the additions which had, at the peace of 1815, been made to it as a compensation for the exertions which England had made in the wars against Napoleon. In the case of the Duchies, however, the law had been prospectively broken, and was going to be infringed for the sake of preventing the separation of the Duchies from Denmark. What should we have said if, thirty years ago, Plenipotentiaries had sat down and had arranged that our Crown should not go to our beloved Queen, but to the Duke of Mecklenburg, and had never even asked our consent? This would have been a precisely similar case. In the year 1846, Christian VIII., breaking the oath of Waldemar, extended the Law of Succession of Denmark to the Duchies, abolishing the Salic Law which had previously existed there. The Landgravine of Hesse would otherwise now be the heir to the Throne of Denmark, and the Duke of Augustenburg would be the future reigning Duke in Schleswig Holstein. Thus he first openly attempted this nefarious system of annexation, under the guise of the integrity of the monarchy. But how did this come about? For many years before that, secret agencies had been at work in Denmark, inciting the people to seek for the incorporation of the Duchies with the Kingdom. Thus, in the manifesto of the Stadholderate of the Duchies (p. 6) it is stated that—

> "The Danish press and the political clubs, ever since 1830, have proposed the Danification of Schleswig. The provincial States of Denmark in 1844 followed the mark, and went a step further; they requested a Royal Declaration to this purpose: 'that the whole monarchy was an indivisible heirloom.' . . . . . Propositions were made at St. Petersburg in 1838, and embodied in the Letters Patent of 1846, which had the integrity of the collective monarchy in view."

Now, things do not occur of themselves; some power, though unseen—some energy, though it may be hidden, is always at work. It is only thoughtless people who look upon human affairs without seeking for the causes which produce them. In 1843 the son of the Landgravine of Hesse, and heir-presumptive to the Crown of Denmark, married the daughter of the Emperor Nicholas, who from that moment began to negotiate for his succession to the Duchies. The *Morning Chronicle*, then the organ of the Foreign Office, called attention, in 1844, to this fact—

> "Prince Frederick William (of Hesse) is married to a daughter of the Emperor Nicholas, who has already shown his zeal for the interests of his son-in-law by negotiating for him the succession of the Duchies of Holstein, which, in the ordinary course of events, would fall to the ducal family of Holstein Augustenburg, and not to the Prince of Hesse. . . . The Law of Succession of Holstein is different from that for Denmark, &c. . . But Russia is believed to have precluded this result (the separation of the Duchies from Denmark), by having induced the Duke of Augustenburg and his family to cede their rights of succession in consideration of a large pecuniary indemnity. Thus Denmark and the Duchies are to be preserved as an entire inheritance for Prince Frederick William and his heirs, by means of Russian gold, and family ties will give Russia a natural and preponderating influence in that monarchy, which holds the keys of the Baltic, the Sound, and the Belt. . . . We know too much of the far-seeing policy of Russia to regard this with indifference."

It must be borne in mind that the attempt, in this instance, was to make the Crown of the entire monarchy and Duchies descend in the cognatic or female line, under pretence of maintaining the "integrity of the monarchy." A year after this marriage the Emperor's daughter died, so the negotiations were given up; the Emperor was no longer desirous to procure the entire monarchy for Prince Frederick William. In 1846 the Duc de Cases was sent on a secret mission to Copenhagen, and the result was the publication of the Letters Patent of Christian VIII., extending the *Lex Regia* of Denmark to the Duchies, under the name of "preserving the integrity of the monarchy." Thiers is the authority for this. The facts of the case were these: Louis Philippe was then engaged in negotiating the Spanish marriages, and he was most anxious, as he had lost our countenance, to buy the support of Russia. *The Times* stated that, "in order to conciliate the favour of Russia he was willing to sacrifice everything, from Cracow to Constantinople." He, at the instance of the Russian Ambassador, sent his embassy to Denmark, which resulted in the publication of the Letters Patent to which I have before alluded. The Duchies protested against these letters, and the German Confederation issued a decree calling on the King of Denmark to revoke these Letters Patent. In another letter, of September 8, 1846, the King strove to explain away the statements contained in the former letters, and promised that no measures should be taken to destroy the Union of Schleswig and Holstein. Then he inaugurated the attempt to effect by administrative amalgamation that which he had failed to accomplish by arbitrary power. Since then the Danish motto has been "Denmark to the Eyder;" since then these repressive measures on the German element in Schleswig have been resorted to. In 1848, January 28, the present King came to the throne, and swore that "nothing should be done to alter the existing Union of Schleswig and Holstein." On the 18th of March, the States of the Duchies held a meeting at Rendsburg, and determined to send a deputation to the King to represent their case. The deputation consisted of Count Reventlow and others. It left Kiel on the 21st of March. But on the 20th, the news of this meeting had reached Copenhagen. Of course, they had heard of what had occurred in Paris; the mob became much excited; the Eyder Danish party flew to arms; placards were posted up, declaring that "the wish and the will of the Danish people is that Schleswig must be separated from Holstein, and must be incorporated as a province of Denmark." They besieged the King in his palace, and insisted on his accepting their programme. The Monarch gave way; the Moltke Ministry resigned, and favourites of the mob were received into confidence, men who were pledged to incorporate the Duchies by sword and bayonet: Messrs. Tcherning and Monrad, known enemies of the Duchies. The news of this *émeute* reached Kiel on the 23rd; a Provisional Government was instantly appointed, because the King was at the beck and bid of a Copenhagen mob, and the Duchies did not wish to be under the feet of a Danish mob, but desired to uphold their laws. The objects of the Duchies should be kept clearly in view. In the manifesto they say, July 22, 1850—

> "*Right and duty of Resistance.*—The forcible breach of a fundamental law is a political crime which both nature and reason either enjoin, or at

least will permit us, to ward of by every means warranted in self-defence. For us the people of Schleswig Holstein, not only the right, but the duty of resistance is expressly laid down in our constitutional laws of 1460; where it is stated that 'if ever any one within this country, or out of it, should infringe upon the articles therein contained, then shall we be pledged to oppose him; and each and every man shall be bounden to tender his faithful assistance in protecting the said letter and treaty in all and every clause.' In exercise of this right, in fulfilment of that duty, the Duchies are in arms against this recent attack of Denmark."

And again (p. 11)—

> "We deliberately insist on this fact, that we are struggling for our rights, for the rights of the people of Schleswig-Holstein, and for a state of things by law established. We would call upon the Powers of Europe to consider that the circumstances of the time reflect on our struggle the character of a struggle for the interests of public order and for established rights."

Thus the Duchies, though suffering from oppression greater than had prevailed in Naples or Sicily, did not, like those kingdoms, cast off their hereditary Monarch, but expressed their determination to uphold the fundamental laws of the State, and to protect the King against the mob by which he was governed. The noble Lord the Minister for Foreign Affairs had said, that nations which felt themselves aggrieved, or which were dissatisfied with their governments, were justified in getting rid of them and appointing what government they chose. Why had not the Duchies this right conceded to them, when they never rebelled against their King, but desired only to defend their laws? In Naples we refused to interfere in support of law; in the Duchies we did interfere to break the law. In 1849 the armies of Prussia went to the States of Schleswig-Holstein to support the Duchies in their rightful claim, and an autograph letter was written by the King to the Duke of Augustenberg, enjoining him by every means in his power to maintain the rights of his country, and promising that he should receive material support from Prussia. But when the reaction set in after 1848, the Manteuffel Ministry, which is sneered at, despised, and hated by the people of Germany as Russian in its tendency, was appointed. Then the policy of Prussia underwent a change. A treaty of peace was promoted by the Manteuffel Ministry, to which a secret article was appended. That treaty has been laid on the Table of this House, but the secret article included in it has not been produced. This article provided that the King of Prussia should support the propositions of the King of Denmark for altering the succession and for preserving the integrity of the monarchy. Whether the allegations regarding the influences by which the Manteuffel Ministry were affected were true or not, it is impossible for me to say; but across the original draft of the document to which I refer, and which I hold in my hand, there is written "Meyendorff" (the Russian Ambassador) "has had the settling of all these items." This explains the sudden change which took place in the Prussian policy. In 1849 Prussian troops were sent to the Duchies with the avowed object of supporting their just claims; the Russian fleet appeared off the coast; and in 1850 the Prussian troops were withdrawn with the secret intention of abandoning the Duchies to their fate. The Treaty of Peace of 1850 was enclosed in a Despatch from Lord Westmoreland, in which he said:—

> "I cannot close this Despatch without stating that Baron Meyendorff, the Russian Minister, has been unremitting in his exertions to bring about the termination of this negotiation, and that fortified by the declarations which have lately emanated from his Government he has greatly contributed to that result."

In 1851 the King of Denmark, still entertaining those projects of annexation with regard to the Duchies, sent Sponnek, his Minister of Finance, to Vienna, to propose that Holstein should be formally separated from the German Confederation and annexed to Denmark. Prince Schwarzenberg, however, sneered at the proposal. In 1852 the King solemnly promised that he would do nothing towards incorporating Schleswig with the kingdom. Of this promise he was reminded in a Despatch by the noble Lord the Secretary for Foreign Affairs, who seemed, he must say, to have acted a fair part latterly in these transactions. Lord John Russell wrote, December 8, 1860—

> "There can be no doubt, in the opinion of Her Majesty's Government, that these promises constitute an engagement which his Danish Majesty is bound in honour to fulfil. He is bound not to incorporate Schleswig with Denmark."

And Mr. Paget writes (p. 58)—

> "The only positive engagement entered into by Denmark towards Austria and Prussia was, that it would not incorporate Schleswig, or do anything which would tend towards that end." [See the Despatches to the Danish Envoys at Berlin and Vienna, December 6th, 1851.]

It has, therefore, been shown that the object of the Duchies was not to sever their connection with the person of their Sovereign, but to defend their laws from being crushed by a mob. The war began by an attempt to incorporate the Duchies: peace was concluded by the treachery of the Allies in forcing the Duchies again under the Danish yoke. This sore is still running; for the intrigues and measures of repression to promote this incorporation are still being continued. Frederick VI. and Christian VIII. desired to centralize the Government; but "let I dare not wait upon I would." This King, carried away on the shoulders of the Eyder Danish party, "bends up each corporal agent" to this feat, and tries to enforce what his predecessors desired. This policy of incorporation came to a head in the Treaty of London of May 8, 1852. It is not a treaty; because, if seven parties put their names to a contract for an object which is not lawful the agreement is not binding, and the proceeding is rather of the nature of a conspiracy than a contract. Imagine a contract to dispose of a settled property away from the next heir to some very distant relation. This is exactly the case with the Treaty of London. The Germans have never acknowledged it as a treaty to this day. They call it the Protocol of London; and the Prince who will come in under that treaty they call the Protocol Prince. Austria and Prussia signed it; but the Diet has never authorized them to do so, and, consequently, their signatures to that treaty are invalid. I have been informed on the best authority—though unfortunately I may not produce that authority to the House—that Prussia is most desirous to break the treaty, and do away with it. I believe that Austria would be willing to do the same. There is, besides, our signature with those of France and Russia to the Treaty of May 8, 1852; but since that time we have both been at war with Russia; and it is well established that a war between two Powers puts an end to every treaty between them, and that no previously existing treaty holds good except it be renewed after the war. Thus it is that the Treaty of Peace between Prussia and Denmark contains a renewal of all previous treaties. I will presently show that the policy of this treaty was not chosen by us, but had been forced upon us; and since then many eminent statesmen have expressed their thorough dislike to it. If this were a question of the succession to a peerage it would demand the strictest investigation; and command the greatest attention. Yet this is much more; it involves the succession to a Crown of Europe. Now, if it were right for us to do this, it follows that it would be equally right for other nations to treat us in a similar manner. And what will the treaty do? The Treaty of 1852 has not yet come into operation. It is still in abeyance, and will not take effect till the death of the present King. Now, in the first place, it acknowledges as permanent this nightmare "integrity of the monarchy," and then supersedes the law of the land by altering the succession. And, according to its provisions, when the present King dies, the succession, instead of going to the next heir, is to jump over nineteen heirs, until it comes to one who is only three before the Emperor of Russia. The treaty will cut out the whole of the female line; and it determines that no son of the future King, Christian, shall be allowed to succeed except a son by the Princess Louise of Hesse. It will thrust aside all other children he may have. But never has any explanation of this extraordinary treaty, nor any information concerning it, been given to Parliament. Yet this is the first time, with one exception, that England ever entered into a treaty of succession. We did so in the case of the Treaty of Utrecht, but in no previous instance. This Treaty of London is one of great moment; it purports, moreover, to do for constitutional states that which they should do for themselves; and it regards a constitutional King as an absolute monarch; and yet it has never been explained to the House; we know absolutely nothing about what led to it. The first information which we had of it was conveyed by an article in *The Times* of the 11th of May, 1852—three days after the treaty itself was signed. In that article allusion was made to the negotiations which, during a period of many years, had preceded the final arrangement; it speaks of the principles of the treaty having been laid down in the Protocol of London, saying, "When at length Lord Palmerston was induced to lay down these principles in the Protocol of London." It says also that "the announcement of the London Protocol, which Prussia refused to sign," was received in Germany with scorn and resentment." Now, are Ministers responsible to the House of Commons, or is this an oligarchy? If they are responsible why should this mystified article in a daily newspaper be all that is given to enable us to judge of their conduct? If we are to have a share in the Government, we should have the necessary information for governing; if we are to deliberate, we should know the facts of the case which we are called on to judge; if Government be responsible, we should know about the Acts which we are called upon to endorse or to condemn. Now every one imagined that the Treaty of London had been founded on the Protocol of Warsaw, of June 5, 1851. For, on the 20th of March, 1851, Lord Palmerston made use of these observations—

> "A good deal had passed with regard to these points—that is to say, in regard to the succession to the Crown of Denmark, and as connected with that, in regard to the arrangements for the order of succession in Schleswig and Holstein. But Her Majesty's Government had studiously and systematically held themselves aloof from taking any share in these negotiations."

Now, in the Report of the Danish Diet I find an allusion to the Protocol of London, which is said to have been signed on the 2nd of August, 1850, or nine months before the noble Lord said "Her Majesty's Government had studiously and systematically held themselves aloof from taking any share in these negotiations." But why should the noble Lord have denied that Her Majesty's Government had had anything to do with these negotiations? Why should he keep this London Protocol such a secret? The words of the noble Lord would make one think that he was ashamed of that protocol. Why say that they had "studiously and systematically kept themselves aloof from all negotiations?" In the armistice between Prussia and Denmark, dated July 2, 1850, which has been laid upon the Table of this House. Article 4 says—

> "Doubts have been raised as to the succession."

By whom have these doubts been raised? And at p. 4 I find that thanks are returned to the English Cabinet for the "active part" they took. Again, M. Hall says, at p. 127 of the correspondence, that

> "The principle of the integrity of the monarchy was loudly proclaimed in the London Protocol."

But why, then, make such a strict secret of that protocol? The "Project of the Protocol of London" is dated June 2, 1850; it was signed August 2 in the same year. The first article is as follows:—

> "The unanimous desire of the said Powers is that the state of the possessions actually united under the Crown of Denmark shall be maintained in its integrity."

I should have supposed from the statements of the noble Viscount (Lord Palmerston) that these negotiations must have been carried on behind his back. But it appears from the original notes of that protocol, which I hold in my hand, that the noble Viscount must have taken part in them; because I find in one place, "Variation rejected by Lord Palmerston," and in another, "Variation not yet discussed with Lord Palmerston." I cannot, therefore, understand why the noble Viscount stated that "Her Majesty's Government had studiously and systematically kept aloof from these negotiations." There is a note at the foot in the same handwriting—

> "On July 8, Drouyn de Lhuys had an audience of the Queen."

This shows that there was another conference on that day. In another copy there are no crosses to the names of the Prussian and Austrian Ambassadors in the list of those present. Perhaps, as the Prussian Plenipotentiary refused to sign, the Austrian also absented himself. Here, then, is proof that the negotiations for this protocol were commenced not later than June 2, 1850; the peace at Berlin, with the Secret Article relating to the succession, was signed at Berlin, on July 2. There was another conference in London on July 3, and the protocol was signed on August 2. But for what reason was this kept so secret, and even denied? I have been told that this protocol was presented to the Cabinet by the noble Viscount, but that it met with disapproval from them, and that they refused to agree to it. The Government were then in difficulties. The Pacifico business was going on. The Ministry had been outvoted in the other House of Parliament on a Motion of want of confidence by a majority of 37. This happened on June 17, 1850. M. Drouyn de Lhuys, the French Ambassador, had been recalled; and Count Nesselrode had written what the present Chancellor of the Exchequer called a "public lesson" to the noble Viscount. I trust I may be allowed to refer to what was said in that debate by two such eminent supporters of the noble Viscount as the Chancellor of the Exchequer and the hon. Member for Rochdale. Mr. Gladstone (June

27, 1850), on the Pacifico debate, read what he called a "public lesson," which was written by Count Nesselrode to Lord Palmerston, and used these words—

> "It is not only with France that we have had to deal: what is the lesson which Count Nesselrode has read to us? . . . This lesson, so read to you without reply, is a lesson from the mouth of the Autocrat of all the Russians." [3 *Hansard* cxii., 580-81.]

If the Chancellor of the Exchequer showed a prescience of the true state of the case, yet the acute insight of the hon. Member for Rochdale was greater.

> "Read, I ask you, the extraordinary language used by Count Nesselrode to Lord Palmerston, and then read the answer of the latter, and see how different is the tone adopted by him (Lord Palmerston) to a country which is powerful, compared with that he makes use of to one that is weak. . . . A hectoring epistle from Count Nesselrode, to which the noble Viscount sent a very meek and lamb-like reply. . . . . First you submit to rebuke from Russia, and next you are humiliated before France." [*Ibid*, 664-67.]

And then he uses these pregnant words—

> "I believe the noble Lord is of an active turn of mind—that he likes these protocols and conventions." [*Ibid*, 673.]

This arrow, sent at a venture, must have wounded the noble Viscount's conscience sorely. He continues—

> "He made a speech against Austria, I remember, on one occasion, but he did not breathe a syllable against Russia. The only allusion he made to Russia was in the nature of an apology, uttered in a sense that seemed to justify the part taken by Russia." [*Ibid*, 673.]

Well, then, as I have said, the Cabinet appears to have disapproved of this protocol; but then there was the Pacifico difficulty; a vote of want of confidence in the Lords; the French Ambassador recalled; a "hectoring epistle" from St. Petersburg; the Russian Ambassador demanding his passports. But what, then, induced the British Cabinet to sign the treaty? The *Weser Zeitung*, of April, 1853, answered the question as follows:—

> "Count Reventlow, the active Minister of Denmark in London, had long been preparing the first London Protocol, in which the integrity of the Danish Monarchy was pointed out as a thing to be wished. Russia was seconding, England was temporizing, and Prussia at that time kept so far aloof that the Chevalier Bunsen, on August 1, 1850, even handed a note of protest to Lord Palmerston. Russia availed herself of the confusion brought about in the Piræus by Lord Palmerston, and of the favour shown by him to M. Pacifico, to instruct to M. Brunnow to demand his passport. Lord Palmerston, apparently surprised, asked whether there were not any means of adjusting the difference? 'To be sure,' was the reply; 'the signature of the London Protocol.'"

Lord Robert Montagu

The protocol was actually signed three weeks afterwards. But perhaps the best authority on the subject is M. von Gagern, the President of the German Parliament, who, in his *Protest*, published at Manheim in 1852, said—

> "Denmark, Russia, and France had from 1846 [when Christian VIII. published his Letters Patent] been active in urging the institution of the Collective Monarchy. In the spring of 1850 a favourable conjuncture had arisen, which Russia was the first to perceive; first, in the unfortunate division of the German Powers; secondly, in the disgust of the British Ministry at the long delay of the negotiations for peace at Berlin; and last, not least, in the personal embarrassment of Lord Palmerston, whose Ministerial position had been endangered. . . . Some diplomatic success to assuage the Tories, and an apparent reconciliation with Russia, were under such circumstances what Lord Palmerston could not do without, if he wanted to remain at the helm. The accession of England to that protocol was the first desideratum, and Lord Palmerston, under the circumstances, had declared himself ready to sign."

These authorities seem to assert that the noble Viscount, for the sake of retaining office for one year had consented to sign a protocol of which his Cabinet disapproved, had interfered in the affairs of a foreign nation, had committed an act of injustice, had altered the succession, had swept away the fundamental laws of the State, and had entailed eleven years of misery upon the Duchies. Thus, it appears, he submitted for the sake of office, to make us become the tools of another Power. Calm deliberation obliged his Cabinet to refuse; personal inconvenience induced them to yield. Out of this protocol grew the Protocol of Warsaw and the Treaty of 1852 as necessary consequences. 1852 is a memorable year; then the treaty was signed; and a letter from our Sovereign was read at the Table of this House, informing the House that the noble Viscount was "wanting in sincerity to the Crown," and was in the habit of deceiving Her. Thus, the protocol and the treaty were conceived in subjection, and were executed in duplicity. They were signed, not from approval, but for the exigencies of a Minister. I now turn to the Protocol of Warsaw, June 5, 1851. It is founded on "the importance of maintaining the Danish Monarchy in its integrity." It then says—

> "The rights of inheritance devolve upon Prince Christian in virtue of the renunciations of the Landgravine of Hesse, of her son Prince Frederick, and of her daughter Princess Mary."

Then afterwards it says the King,

> "Wishing, on his part, to complete the titles resulting from these renunciations."

Now these renunciations had not then been made. The Report of the Danish Diet says (p. 14)—

> "The renunciations in favour of the Princess Louise by the nearest heirs are already cited in the Protocol of Warsaw, although at the time when that protocol was signed the renunciations had not been made, as is shown by the Acts of Renunciation laid before the Diet."

M. Bluhme's despatch of May 9, 1853 Papers relative to the Succession, p. 7), confirms this statement. He says—

> "The message affords the king very great liberty, &c. . . . in so much that his Majesty need not seek at once the successive renunciations by those possessing rights annulled by the treaty, or rendered impossible by other means."

Yet the Protocol of Warsaw is grounded on the supposition that the renunciations have already been voluntarily made. The protocol continues—

> "Nevertheless, it is understood that the eventual rights of the two younger branches of Holstein Gottorp should be expressly reserved, that those which the august chief of the elder branch should abandon for himself and for his male lineage in favour of Prince Christian of Glucksbourg and of his male lineage should be revived in the Imperial House of Russia whenever (which God forbid) the male lineage of that Prince should become extinct."

These reservations were repeated when the treaty was signed. Baron Brunnow's note, handed in at the signature of the treaty, May 8, 1852, says that he

> "Having been authorized to sign the treaty, ... has been ordered to transmit, at the same time, the present note, for the purpose of recalling and renewing the reserves contained in the Protocol of Warsaw."

He then recites these reservations from the protocol. Therefore, after the death of Christian and his sons, these claims will be revived into rights; they are now acknowledged as such by this treaty. Russia, therefore, virtually gives up nothing for something; for under no circumstances could she have preferred any claims till all these, and many more intervening heirs besides, had been dead. Hence, by pretending to renounce, she cuts out nineteen heirs, and comes in all the sooner to the Crown. M. Bluhme sends a despatch from Copenhagen, May 9, 1853, Papers relative to the Succession, p. 8, saying—

> "The Diet fear a preponderating influence on the part of Russia in the application of Article 2 of the Treaty of London, it being in the power of His Majesty the Emperor, by means of the reservations made by the Protocol of Warsaw, and renewed at the conclusion of the Treaty of May 8th of last year to support a claimant which all the monarchy would be forced to accept, because the Cognate Succession, established by the Royal Law, being abolished once for all through all parts of the monarchy open to this succession, would have no claimant to oppose to him."

Nearly a century ago Russia got Oldenburg in lieu of some doubtful claims on a small part of Holstein. The arrangement was this: on the failure of the heirs of Frederick III. Oldenberg was to revert to Denmark, and Holstein Gottorp to Russia. Now, on the contrary, Russia will come in for the whole—Holstein, Schleswig, Denmark, Iceland, and all—on the death of three persons; but she does not resign Oldenburg until all the intervening heirs also shall have died. Besides, those "claims" were very doubtful; now they are acknowledged as "rights." Moreover, Bunsen, in p. 19 of his *Memoir to Lord Palmerston*, denies the validity of the renunciations. Besides, if they were valid, why should they not have been incorporated in the treaty, as the renunciations of the House of Bourbon were incorporated in the Treaty of Utrecht? The upshot of the whole matter is that Russia gives up nothing in exchange for getting her succession made more rapid and more certain; and for getting doubtful claims acknowledged as rights; and by procuring an acknowledgment of the "integrity of the monarchy" as permanent, she, of course, obtains the whole instead of a small part. Thus M. Usedom, the Minister of Foreign Affairs at Berlin, in his official Memoir to the King of Prussia, February 4, 1851, says—

> "In attempting to break the legitimate succession in the Duchies, violently and without a free renunciation on the part of those concerned, the dangerous principle of arbitrary power is installed in the place of positively existing hereditary rights. . . I pray to God that your Majesty may, at any risk, keep yourself free from establishing the principle of 'integrity' which is not in existence, but which is only intended to be artificially created. The right of Denmark with regard to such 'integrity' has hitherto no other foundation than her own desire."

Chevalier Bunsen, in his *Memoir to Lord Palmerston*, p. 31, says—

> "It was only too much to be feared that the

plan now proposed was nothing but the execution of the project which the late French Goverment had recommended in 1846" (which was done at the instance of Russia.)

Now, that this is no chimerical fear or childish fancy, is proved by the fact that it was shared by no less a man than the historian M. Thiers, who said—

> "It is quite enough, in delivering Finland to the Russians, to have afforded them the means of a step in advance to the Sound, a point from which they will not be less menacing to us, at a future day, when the Russian Colossus with one foot on the Dardanelles and another on the Sound, will make the whole world his slave, and liberty will have fled to America. However chimerical all this may seem now to narrow minds, it will one day be a cruel reality."

I trust the House will bear in mind that our agreement to all this arose not from deliberate approval, but from the political exigency of a Minister, who, to retain office, signed the bond which bound him to carry out this policy. The treaty was submitted to the Danish Diet (but not to the States of the Duchies), and was forced upon them by the Minister saying that "any alteration would appear as if the King had broken his engagement with the foreign Powers." The proposed abolition of the Law of Succession of Denmark was also laid before them, and the Minister represented such a step as a "European necessity" to them; but to the foreign Powers he asserted, before the signature of the treaty, that the Diet had already taken that step. The Diet was three times dissolved before this alteration of the *Lex Regia* could be forced upon them. This recalls the frequent dissolution of Parliament in Charles's reign, which has been always held up as a justication for the violent retaliation which followed. But the extraordinary thing is that this abolition of the *Lex Regia* of Denmark also was brought about by foreign interference. In the Papers relative to the Succession, p. 9, there is a despatch from Lord Clarendon, dated June 7, 1853,

> "Sir,—M. de Bille has communicated to me the despatch addressed by the Danish Government to the Danish Ministers at the Courts parties to the treaty of the 8th of May, a copy of which was enclosed in your despatch of the 11th ult., and which contains an explanation of the reasons which induced the Danish Government not to confine themselves to a simple communication of that treaty to the Danish Chambers, but to accompany it by a proposition for the abolition of the *Lex Regia.*
>
> "Although the course which the Danish Government has deemed it expedient to pursue in this respect would not appear to call for the expression of an opinion on the part of a foreign Government, I have yet to instruct you, as the expression of such opinion appears from your despatch to be desired, to assure the Danish Minister that Her Majesty's Government do full justice to the motives by which the Danish Government have been actuated, and that they see no reasons for changing the opinion already on various occasions expressed by Viscount Palmerston, that the abolition of the law in question (namely, the *Lex Regia* of Denmark) would afford a simple, safe, and apparently unobjectionable method of hereafter preventing renewed complications, such as those to which the Treaty of the 8th May so happily put an end."

Now, in the first place, it is odd that this measure should be defended on the score that it would "prevent hereafter" that which had already been "put an end to." But it is a still more extraordinary discovery that the abolition of the *Lex Regia* should also be due to the noble Viscount.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

House adjourned at a quarter
before Eight o'clock.

HOUSE OF COMMONS,

Wednesday, June 19, 1861.

Minutes.] Public Bills.—1° Government of the Navy.
2° Vaccination.
3° Larceny, &c.; Malicious Injuries to Property; Forgery; Coinage Offences.

WINDOW-CLEANING &c., BILL.

SECOND READING.

Order for Second Reading read.

Sir CHARLES BURRELL said, he rose to move the second reading of this Bill, which he advocated in the interests of the lower classes, to protect them against the danger of being ordered to clean windows from the outside. That practice, it was well known, had led to to a great many fatal accidents, and he was sure that the House would be glad to prevent the possibility of the recurrence of such calamities. He had received that morning information of four accidents of the kind, three of which terminated fatally, and probably the fourth also, although it was only stated that a man, who had fallen from a window of Buckingham Palace, was taken to the hospital for a fractured skull, and it was not stated whether he had died or not. On the occasion when he brought this measure before the House in the last Session of Parliament a Gentleman of the law took upon himself to turn the matter into ridicule, and found plenty of other Gentlemen to join in the laugh with him. He was advised by his friends not to press the second reading then, but he hoped that now the House would allow the Bill to be considered in Committee. A similar Bill was passed about fourteen years ago for Scotland, and Scotch Members told him that the operation of the Act in preventing these accidents had been completely successful. Last year, after his Bill was thrown aside, there were no fewer than four deaths within two days from accidents of the sort which he was anxious to provide against. That was a striking proof of the urgent necessity for such a measure. He employed a system of window-cleaning in his own houses, both in town and country, which was attended with no danger whatever, and he would be glad to see it generally adopted. He moved that the Bill be now read a second time.

Motion made and Question proposed, "That the Bill be now read a second time."

SIR FRANCIS GOLDSMID said, he held that to pass such a maasure as that before them would be to carry the principle of interference between employer and employed to a most inconvenient and unprecedented length. Some of the provisions of the Bill were really absurd, and would render an employer liable to punishment if his servant cleaned a window from a balcony. Every one must do justice to the motives of the hon. Baronet, but, however well meant the Bill might be, he was satisfied that it would prove a source of great annoyance and vexation. He, therefore, moved that it be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. CAVE said, that whatever opinion the House might entertain of the merits of the Bill, there could be but one sentiment with regard to the motives of his hon. Colleague in bringing it before the House. The House could not but respect one who had been a Member of Parliament before most of them were born; whose political career carried him so far back that he was one of those who seized the assassin of Spencer Percival in the lobby of the former House of Commons, and who now, towards the close of a long and honourable life, at an age when most men, if they had the power of thinking at all, thought only of themselves, was exerting himself in the cause of humanity to stop what was at any rate a clumsy and dangerous practice, and not only by this Bill, but by setting the example of an improved construction in his own house, which had already been followed in some public offices, and if architects and builders had a little more public spirit would soon be generally adopted. He (Mr. Cave) had thought it right to say thus much, as his name was on the back of the Bill, though all the credit of it was due to the hon. Baronet, who was its sole author, and who knew, indeed, that he (Mr. Cave) did not entirely approve of the details. These, however, might be amended in Committee. It was not so long ago that 150 hon. Members opposite, among whom was the hon. and learned Baronet who moved the Amendment, were ready to go into the lobby in favour of the second reading of a Bill of every clause of which they disapproved. Should this be refused, he recommended his hon. Colleague to wash his hands of the matter, and to rest content with the efforts he had made. He was now relieved of all responsibility on this score, and might be well satisfied to leave that to those who opposed him. For his own part he would rather be the author of such a measure than one of those who treated it with ridicule.

SIR GEORGE LEWIS said, that the motives of the hon. Baronet who promoted the Bill deserved respect, and he was not aware of any disposition on the part of the House to treat the subject with ridicule. He himself never said anything that could be construed into a suggestion that the measure was a laughable one. It was a perfectly serious proposal, and deserved to be so treated. The general law of the country was that any person who knowingly and wilfully placed another in a situation of danger whereby his death might be caused was liable to an indictment for the man's death. That principle would apply to cases of window-cleaning where any degree of rashness which the law deemed culpable was exhibited; but the hon. Baronet wished to make that sort of trifling with the lives of others subject to a special penalty. The general rule on which they went was that an adult person in any employment was master of his own life and safety, and that the law was not required to interfere for his protection. It was obvious that there were many dangers to which persons in the employment of others voluntarily exposed themselves which were greater than those in the case of window-cleaning. The Government had not neglected the Motion of the hon. Baronet for a return of the number of accidents through window-cleaning, but had received an answer from Mr. Wakley that it would take a very long time to search through the reports of all the coroner's inquests in Middlesex in order to make the return. He thought, however, that they might assume as a matter of notoriety that such accidents were not of frequent occurrence. Employment in mines, or even on board a ship going to sea in stormy weather, was attended with dangers at least equal to those to be apprehended in the case of window-cleaning. In many of the building trades, in driving a railway train, and in many other avocations, there was great risk of accident, but in none of those cases was there any legislative interference for the protection of life. Then there was a case which had excited a good deal of public attention lately—that of rope-dancers, who in places of entertainment exhibited themselves in dangerous positions for the gratification of the public. No attempt had been made to prevent adult persons, who were masters of their own understandings, from exposing themselves in that manner. From time to time dangerous ascents were also made in balloons, but the law did not enable the executive Government or the magistrates to prevent them. If they were to enter on a course of legislation of the kind proposed by the hon. Baronet, it was clear that there were other employments which were as dangerous as window-cleaning, and with which it would be equally necessary to deal. Not being prepared to depart from the recognized tenets of our legislation in that respect, he could not give his vote for the second reading of the Bill.

MR. SOTHERON ESTCOURT said, he had not heard any objection to the Bill which could not be obviated in Committee. He thought that the Bill came in aid of a class of persons who were especially unable to exercise a free-will. For what poor female servant could refuse to clean a window in the manner objected to if so ordered by her master? Servants really required some protection in the way suggested by the hon. Baronet, and he hoped

the House would read the Bill a second time.

COLONEL NORTH said, that, reference having been made by the right hon. Baronet to rope-dancing, he wished to know whether any steps had been taken to prevent the repetition of M. Blondin's performance on the rope with his child?

SIR GEORGE LEWIS said, he had already informed the House that he had addressed a letter to the Directors of the Crystal Palace Company, objecting to a child of tender years being allowed to take part in such a dangerous exhibition, a child not being capable of giving any reasonable consent, and, therefore, not falling under the general rule as to adults which he had stated. The Crystal Palace Company, to their credit, at once complied with his letter, and stated that the performance would not be repeated.

MAJOR CUMMING BRUCE said, he understood that the Bill was intended to protect female servants who might be required against their will to do certain work under pain of forfeiting their situations. That was a totally different case from that where a person voluntarily exposed himself to danger.

MR. MALINS said, he would not stop to consider whether the Bill was very much called for. It sufficed for him that its objects were benevolent.

MR. POTTS directed attention to an accident, said to have occurred that morning, through a steam engine passing along the streets drawing a number of carts.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 38; Noes 79: Majority 41.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for three months.

CHURCH RATES ABOLITION BILL.—

[SIR JOHN TRELAWNY.]

THIRD READING.

Order for Third Reading read.

SIR JOHN TRELAWNY said, that he had so repeatedly stated the case of those concerned in the movement for the abolition of church rates that he would best consult the wishes and convenience of the House if he were as brief as possible under the circumstances in which he was placed. It was necessary, however, that he should refer to one or two arguments which might be used by the opponents of the Bill, as, owing to the hour at which the House rose, he had practically no opportunity to reply. It was constantly thrown out against hon. Gentlemen on that (the Liberal) side of the House that they were prepared to endorse the views of the Liberation Society, who were assumed to hold ulterior views with regard to the Church. There were surely sufficient reasons why church rates should be abolished without mixing up the question with the proceedings of the Liberation Society. The fact that a certain society was prepared to go much further than the abolition of the church rates had no connection with the question now before them, and was no argument against a measure which was just and expedient in itself. Hon. Members opposite were to a great degree in agreement with him as to the necessity of legislation. He believed there was no hon. Gentleman on the other side who was not quite as anxious to determine in what way Dissenters might be relieved as hon. Gentlemen on that side of the House. Therefore they were come to this, that the House of Commons might be regarded at that moment as nothing more or less than a Committee of Inquiry as to the best way of dealing with church rates. His position was rendered peculiar and somewhat difficult by the absence of opposition, for substantially there was none. He did not know of any hon. Member who was not committed to the opinion that Dissenters were entitled to relief. In that way they got rid of a variety of arguments, such as the antiquity of church rates and the fact of land being bought subject to church rates. The latter was a point which ought not to be introduced at all, because hon. Gentlemen opposite were prepared to exempt, not only Dissenters, but Churchmen also in the case of district churches. But the point to which he wished chiefly to call attention was as to the proposed compromise. Gentlemen opposite would bear in mind that nobody had taken more trouble to bring together the parties opposed than he had done. He had gone to hon. Gentlemen below the gangway and above the gangway on both sides, and to Dissenters day by day, with the view of bringing parties together and he must say not entirely without success, because their position was now very different from what it was before. The right hon. Gentleman (Mr. Sotheron Estcourt) had consented to make sacrifices which were, no doubt, important from his point of view, and he had urged upon those who supported the abolition of the rates, that they ought also to show a conciliatory spirit, and consider whether they could not make some concessions to meet the views of hon. Gentlemen on the other side. It was clear that they (the anti-church rate party) must have the substance of that for which they contended, otherwise there would be no settlement at all. The opponents of the Bill made a great mistake when they thought that the question was simply one of money. It was not, and could not possibly be so. It was absurd to suppose that a vote of 1*d.* or 2*d.* in the pound in certain parishes was all that was at issue. The question, as regarded Dissenters, had been described as a sentimental one, and the term was not inappropriate, but it certainly was not a money matter. If they were going to attempt to settle the question on the ground of the exemption of Dissenters they would not succeed, because in trying to apply the severe provisions which it was proposed to introduce into the law, they would find that there would be disturbances in the streets, and a rescue of the goods which might have been seized. Consequently he did not believe the system of what was called ticketing would be successful. Therefore they would not be doing what was best for the Church itself by compelling Dissenters to register themselves in that way. He would remind hon. Gentlemen opposite that there were many on their own side who had come over to his opinion. He would not trouble the House by quoting at any great length from the recent remarkable pamphlet of Mr. Bennett. He thought it would be seen that the nationality of the Church was not at all compromised by the course which they were taking. He did not think that hon. Gentlemen opposite cared so much about substance as about the theory; they had a sentimental feeling on the subject, and objected to the abolition of church rates because they thought that by doing so the national character of the Established Church would be destroyed. He denied that such would be the effect of abolishing church rates, and if they wished to take the issue on that point he was ready to do so. He contended that if they abolished church rates, the nationality of the Church would remain untouched. It was said that the working classes would be injured by his Bill. He did not think that those who used that argument knew what the real feelings of the working classes were. He would recommend hon. Members to read a petition which had been presented to that House from the parish of Moulton, in the county of Suffolk, signed by three working men, whose names were William Wybrow, Thomas Dover, and Richard Wybrow, and especially the following passages:—

> "That your petitioners have no faith in such suspicions and ephemeral generosity; and, moreover, do not see any reason why they should be robbed of what they now hold as a right, and be left dependent on a precarious charity: that your petitioners, being uneducated, and little conversant with affairs of State, and so seldom meddling therewith, and having, moreover, no voice in the election of representatives of the people in your honourable House, are liable to have their rights overlooked and frittered away through want of a due consideration of them."

Those men gave expression to the wishes of their fellow-labourers generally, and if the suffrage were extended, the real feeling of the working classes respecting church rates would be made known. It was not necessary for him to go into details to show the inconvenience arising from the present system of church rates. Every second or third day some illustration of that inconvenience was to be found in the columns of *The Times*. The pamphlet of the Rev. Mr. Bennett explained very clearly the evils arising from the law with respect to church rates, and he would call attention to the following remarks in it:—

> "We recur, then, to our remedy all the more cheerfully and without any fear of Erastian hostility, when we find one of the principal members of her Majesty's Government thus assuring us. We have only to look round—to watch, and take note. The evils of the present system are so enormous, while the blessings of relief are so refreshing and so hopeful, that we will throw ourselves at once among the boldest to say—'Deliver us from the bondage of this law!' Who that practically knows the evils will not join in this prayer? Look into some country market town, or some manufacturing district, swarming with an ungodly population. That whole community, since the time of Oliver Cromwell, has been divided into three or four, it may be five or six, assortments of sectarianism. Politics are made to take their colour from religion, and religion from politics, and each in its turn plays its part against the other. Put yourselves down among these people when there comes an election, either of a parish officer, a churchwarden, or a member of Parliament. See how all the ill-blood of jealousy, and the sarcasms of personality, and the bitterness of tale-bearing inflames the whole population in an instant; and the anger and resentment of one year has hardly subsided before it is evoked again by another. Then throw into this cauldron of schism, already boiling over, the additional ingredient of church rates, and what will your parish become? We have read of or may have imagined what a Pandemonium may be. Here we have a chance of realizing it. The parish priest is said to be the 'Minister of Peace.' His mission is love. His doctrine is to be delivered for the salvation of souls, 'without money and without price.' He is, 'to know his sheep and be known of them,' and they are to 'follow him because they know his voice.' Realize this in a parish vestry in which two-thirds of the people never enter the church at all, except for the one purpose of clamouring against a church rate. Now is the time for the bitter Nonconformist, the acute Dissenting minister, or the sharp practising latitudinarian attorney to rise up and hold forth before his assembled townsmen. Now, under the guise of speaking against the rate, is dealt forth the bitter virus of hostility either against all establishments in general, or the special circumstances of the parish in particular. The wearing of surplices, or the Act of Uniformity; the tolling of bells, or the Apostolical Succession; the beadle's coat, or the blessed Sacrament of the Lord's Supper, the sacred elements of which by the rubric of the Book of Common Prayer the parish must provide, and the vestry pay for in the annual rate—such subjects as these, mixing the ludicrous with the sacred, and not unfrequently tinged with unsparing personalities between the different parties, find their place in the annual display of Dissenting oratory. The unfortunate parish priest, in his official capacity as chairman, sitting in the chair of state, to moderate between the combatants, the legal pastor of this happy community 'by law established,' must put the fatal vote to the meeting. 'Shall the decaying church be repaired or shall it not?' Shall the services of religion be maintained any longer, or shall they cease, or if not cease, shall they continue curtailed and shorn of their beauty, for the sake of the penny rate moved by the churchwarden and amended by the Dissenting minister? The vote is put; the acclamations are great; the rejoicing general, when the luckless chairman hides his face in shame amid the taunts and jeers of those, whom he is still nevertheless bound to call his 'legal parishioners.'"

He (Sir John Trelawny) submitted that nothing could more clearly show the evils arising from the present system. There was another pamphlet suggesting a remedy, by a former Member of Parliament, in which it was proposed to take away the sanction altogether, and to leave the existing machinery; but, undoubtedly, that was not the best way to overcome the evil against which they had to contend. He wished to say before he sat down, that should hon. Gentlemen opposite see their way hereafter to any approximation to his views he should be prepared to hear them, but he now placed the matter in the hands of the House. He would remind hon. Gentlemen opposite that a very heavy responsibility lay upon them. If they did not settle the question then in all probability it would be handed over to the secular arm. Much evil might befall the

Established Church if hereafter the question should fall into the hands of persons who would not take the moderate view of it which he did.

Motion made and Question proposed, "That the Bill be now read the third time."

MR. COLLIER said, he was extremely glad that the hon. Baronet the Member for Tavistock had acceded to the request that had been made to him to postpone the third reading of the Bill to that day. The right hon. Gentleman opposite (Mr. Sotheron Estcourt) had every right to prefer that request; because his good sense, his acquaintance with the subject, his moderation, and his conciliatory spirit, qualified him to undertake the settlement of the question, if it could be settled. They had before them the proposition of the right hon. Gentleman, and he (Mr. Collier) very much regretted to say it did not contain the elements for a settlement of the question. If that were so, and if the right hon. Gentleman had only contributed another failure to those already experienced, he only furnished an additional argument for reading the Bill then under consideration a third time. He (Mr. Collier) should confine himself to pointing out one or two objections to the scheme of the right hon. Gentleman which were fatal to it. The right hon. Gentleman proposed to change altogether the nature and incidence of the tax. At the present it was a personal charge upon the occupier, but the right hon. Gentleman proposed to make it a charge upon property, and to fix it upon the owner, irrespective of his residence or non-residence in the parish. The right hon. Gentleman, however, was not satisfied with changing the nature and incidence of the tax; he altogether deprived the taxpayers of the right they had exercised from time immemorial of determining. if the tax should be levied, what amount should be levied, and for what purpose it should be expended. The right hon. Gentleman proposed to deprive the vestries of the parishes to which the third clause referred, of the powers they had hitherto exercised, and to transfer these powers to the churchwardens. It seemed to him that the proposition of the right hon. Gentleman, instead of uniting all parties, would tend to excite further opposition to the rate. It was almost impossible to expect that the hon. Member for Tavistock, and those who thought with him, and who were opposed to church rates being levied with the consent of the vestry, should assent to the tax being permanent. It was almost impossible to suppose that those who had the right in the parishes to which the provision referred—if they could obtain a majority to defeat the rate altogether, would consent that the rate should be permanently charged upon them and their heirs for ever. But it also seemed to him that the proposition of the right hon. Gentleman must have to encounter the opposition of the leader of his own party, because the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) had some time ago made the discovery that church rates were extremely valuable, as affording to parishioners the opportunity of exercising the functions of local self-government in their parishes. The right hon. Gentleman also objected to the Bill of the hon. Member for Tavistock on the ground that it would revolutionize the parochial system of England. But the Bill of the right hon. Gentleman (Mr. Sotheron Estcourt) revolutionized the parochial system of England, and destroyed those powers in vestry of self-taxation, and of control over that taxation, which had been exercised from time immemorial. Henceforth the churchwardens were to exercise the sole judgment as to how far the church required repair, and to what extent a church rate should be imposed for that purpose. It seemed to him that the main provision of the Bill of the right hon. Gentleman was calculated to excite even the opposition of the right hon. Gentleman the Member for Buckinghamshire. It proposed so great an innovation upon the Constitution of the country, that although he (Mr. Collier) sat upon the benches below the gangway, he was too much of a Conservative to approve of. No doubt the right hon. Gentleman thought, by his proposition for what might be called "stereotyping" church rates, he would put an end to litigation. He (Mr. Collier) could not help thinking that upon that subject also the right hon. Gentleman had been the victim of some pleasing delusion. There was a provision in the proposed Act to the effect that an owner's rate should be levied on all property in respect of which the occupier had been assessed to a church rate within five years. In all these cases the question would arise, whether there had or had not been a legal assessment to the church rate within five years, and, probably, in almost every case, that question would be disputed. So far, therefore, from putting an end to litigation, the right hon. Gentleman would open an extended field of litigation in the greater portion of the parishes to which the Act would apply, which might last for a great number of years. The right hon. Gentleman did not stop there. Not content with one church rate, to simplify the question, he proposed two, and he also proposed two vestries—one the ordinary vestry, and the other for the purpose of collecting the church rate, and to be formed of owners rated as aforesaid, and all occupiers who during the preceding twelve months had paid church rates, or contributed any subscription in lieu thereof. It was true that the right hon. Gentleman did not require a declaration of religious belief from persons who wished to exempt themselves from church rates. The notice only required the person to "decline to be a member of the church vestry;" but the difference was only one of form. The notice would be construed as one declaring that the person dissented from the Established Church, and would, therefore, be open to the objection put forward against "ticketing Dissenters." He (Mr. Collier) was one of those who thought it extremely impolitic to attempt to define the precise boundary between conformity and nonconformity, and if there were a hard line of demarcation, which he trusted there was not, their policy ought to be to obliterate that line if they desired to see the Church of England a Church not of one sect or party, but of the whole nation. He had alluded to what seemed to him the salient features of the Bill of the right hon. Gentleman, and he thought he had shown the House sufficient to satisfy them that such a measure could never be taken as the basis of a satisfactory settlement of this question. So far from being a plan for relief from church rates, it was one for rendering them permanent; and so far from being a plan simplifying matters, it was one that would make "confusion worse confounded." It would effect a great constitutional innovation by depriving vestries of functions which they now exercised, and transferring them to churchwardens. The failure of the right hon. Gentleman was to be attributed to the inherent difficulty of the subject, and he believed the House would not be premature in coming to the conclusion that the only way of settling the question was by passing the Bill of the right hon. Baronet, the Motion for the third reading of which he now begged to second.

MR. SOTHERON ESTCOURT said, it would have been very much more agreeable to him to assist in bringing about a settlement of the question than to appear as an opponent of the hon. Baronet the Member for Tavistock. Before entering on the question before the House he wished to take that public opportunity of bearing testimony to the perfectly straightforward and conscientious manner in which that hon. Baronet had dealt with him in the negotiation which he (Mr. Sotheron Estcourt) had attempted to carry on with regard to that subject, but in which, he must confess, he had entirely failed. He knew very well that if an hon. Gentleman who had taken a prominent part for or against a Bill, was induced to listen to any offer or proposition from an opponent, he was exposed amongst his own particular friends to a charge of falling short of what might be expected from him. But he could assure those who supported the hon. Member for Tavistock that in the course of those negotiations he had in no way compromised the principles which he had previously advocated. He regretted that no settlement had been arrived at; but although the armistice between him and the hon. Baronet was at an end he did not understand why a parley should not take place, he did not see why all overtures for a reconciliation should be stopped. He had no doubt that the House would still be ready to hear any reasonable proposition for a settlement. He was not going to defend his own plan on the present occasion, because it was not before the House; but he must observe that he did not think the hon. and learned Gentleman who had just spoken clearly apprehended the meaning of the Third Clause. He never intended that any money, whether contributed by occupiers or owners, should not be under the strict surveillance of the vestry. As to the Bill now before the House he did not propose to go over old ground, or to offer any argument that was founded upon his own particular views of the measure. He should offer arguments only on two heads, and upon both of them he expected to receive the entire concurrence of hon. Gentlemen opposite. The arguments, it appeared to him, might be divided into two heads—the one was an inherént defect in the Bill itself; and the second, that it stood in the way of any practical dealing with the question. The principal objection to it was that it was not merely an infringement of, but an actual prohibition to the parishioners of every parish in this country against exercising a system of independent local self-government which had been in operation from very early times. If the Bill was carried it would put an end to the common law right of the different communities of the country to determine by conference among themselves what was desirable for the maintenance of the property which belonged to the parish, and to decide upon raising the money which was required for that purpose. The church rate differed in no degree in the mode of raising it from any other rate. The highway rate, the rate for mending roads and bridges, and the poor rate derived their origin from the same source, and originally stood upon the same footing as the church rate. It was, according to our Saxon Constitution, an element inherent in every community, in every parish, to meet and determine for themselves how they would support properly the fabric of the Church, and how raise amongst themselves the money. It was true that by statutes these rates had been placed upon a different foundation, and that the jurisdiction over them had remained in the common law courts, for which reason there had been no difficulty about them. The difficulty with regard to church rates had arisen from the fact that the jurisdiction over them had from time immemorial been in the Ecclesiastical Courts, and that its application was, therefore, very difficult. If they took advantage of that circumstance to get rid of the power of the parish to assess itself for a church rate, would they not deal a blow at the whole principle of self-government? If they passed the Bill they would deprive the people of the country of a right which they had possessed for at least 500 years, without providing any substitute for it. The Bill alleged no grievance, and it announced no principle. He believed that there were good reasons why it should not do so. If a grievance had been alleged, the House might have applied the remedy which would have met it. If a principle had been announced, the opponents of the measure would have known how they were hereafter to manage their concerns. No one, however, denied that the complaint, whatever it was, was made by a portion of the community not exceeding one-half, and, therefore, for the sake of pleasing one moiety or less of the community they were about to do an act which, it could not be denied, would be objectionable to the other half. Was that a mode of legislation which was either conformable to precedence or in accordance with the practice of Parliament? Then as to principle. If the preamble of the Bill had said, "Whereas it would be an improvement that the repair of churches should be provided for entirely by voluntary contributions," the House would have known what would be the consequences of the Bill. He asked in what manner the friends of the Bill proposed that the repairs of the Church should be provided for. They on that side of the House objected to give up the right, which the people of England had enjoyed for at least 500 years, of meeting in parishes and providing for their expenditure by an equitable assessment. They were as eager as the hon. Baronet himself to remove the evil of the existing law. He himself two years ago expressed before a Committee of the other House of Parliament the opinion, which he still retained, that personal exemptions on account of difference of religious persuasion ought to be allowed, and that was, in fact, the only principle upon which they were in future likely to deal with the matter. Any measure that could carry out that principle would be acceptable to him; and he wished any such measure to be put upon the footing which would be most agreeable to those for whom exemption was to be enacted. He quite agreed with the hon. and learned Gentleman opposite (Mr. Collier) that nothing could be so bad as to draw a hard line between Nonconformists and Churchmen; and he also thought that nothing could be worse than to deprive any portion of the ratepayers of their interest in the parochial property. If those principles were agreed upon why did they differ? The hon. Baronet said that the House was not so much determining in the usual form upon the third reading of the Bill as sitting in Committee to see if they could agree upon a compromise; and he intimated that some slight modifications might be introduced into his plan. That would have been very well if that had been the second reading of the Bill, but at that stage no alteration could be made, and it, therefore, appeared to him that the necessary preliminary to a compromise was the removal of the Bill from the Table of the House. In his opinion it was the duty of the hon. Baronet rather to withdraw than to move the third reading of the Bill, the effect of which would be to shut the door of compromise, which they were all anxious to keep open. He believed that there were on both sides of that House hon. Gentlemen who said that a great principle was at stake, and, therefore, they could not agree to any compromise. What was the principle which was at stake either on the one side or the other? The hon. Baronet disclaimed distinctly the principle of separating the Church from the State. Then, what was the principle for which he contended? Did it go beyond this—that it was improper to compel a man to contribute towards the maintenance of an edifice for religious worship of the congregation of which he did not form part? If that was the principle, he did not dispute it. But what was the principle contended for by hon. Gentlemen who held extremely opposite opinions? He had during the last fortnight received from the country many letters asking him what on earth he was about in attempting to effect a compromise upon the question, and asking him if he was not aware that there was a great principle involved in it. He confessed that he saw no principle in the matter, except that of devising the best means of repairing churches, and providing the necessaries of public worship in the manner which should be least onerous to those who paid and least objectionable to those who were excluded. If it were a financial question only, it was surely susceptible of settlement. If it were not, then he asked to have it shown to him what that principle was which stood in the way of an equitable settlement of the matter. The courses open to the House might be fairly represented by the different phases of opinion which existed at the present moment. There were those who raised the cry of "No surrender!" and said that they would never give up church rates; there were those who declared that they would be content with nothing short of converting the Church of England into a sect; and there were those who did not agree with either of these parties, but were determined to have an arrangement. The small number who, in that House or out of it, entertained either of the extreme opinions to which he had referred was a sufficient indication to the representatives of the people that the true course for them to pursue was to act in accordance with the wishes of the third party. More than that, he denied that it was possible to avoid the adoption of such a course. It might be put off for a year or two, but to that they must come at last, because the time would arrive when people would be sick of the annual agitation, and would force the House, by an argument which they could not resist, into making some arrangement. He was not going to justify or argue upon the plan which had been referred to. It was offered upon a condition which was not accepted, and the House must look upon it as having dropped. It would, however, probably be expected that he should, without discussing the details of any scheme, state the principles upon which he thought that an arrangement might fairly be made. In a matter of the kind, affecting the social habits and the arrangements of the every-day life of men residing in country parishes, he was persuaded that the only safe course was to ascertain what was the old plan and the old principle, and to depart from that as little as possible. What was the old principle of the church rate? Until the Reformation only one religion was tolerated, and those who did not pay their church rate were excommunicated and treated as heathens. At the Reformation a new light, thank God, broke upon us; the Bible took the place of the Church as the guide of our consciences. And, subsequently, various statutes introduced the widest religious toleration or equality. The practical conclusion which he drew from the course of our legislation for the last 300 years was that a man who separated himself from the Established Church ought to have provided for him the means of separating himself from the expenditure which was required to keep up that Church. Practically every Nonconformist excommunicated—he only used the word for the purpose of illustration—himself. The old penalty had become obsolete, but why should not the practical distinction be retained? The proper mode of dealing with this question was to allow every man, if he thought proper, to exempt himself personally from the obligation to contribute to a rate which was to be applied to the support of a Church of which he was not a member. Let the principle be admitted, and all the rest would follow naturally. Let it be accepted in the form in which it would be least offensive; let it be carried out in such a form as should not, if possible, cause the faintest allusion to religious differences; let it not be pressed in the least degree beyond its legitimate limits. Let them not require that the person who did not contribute to the church rate should give up any right as a parishioner of which they would be sorry to see him deprived; but all must admit that he could have no claim to a voice in the management of funds to which he did not contribute, and that while he paid no rates he ought not to have a seat in the church. At the same time he did not wish to prevent his regaining that seat or to sever his natural connection with the parish church, the parish churchyard, and anything belonging to it. Let those who objected to church rates be satisfied with that personal exemption, and he believed that a large majority of the Members of that House would be prepared to sanction such an arrangement. He should himself support it for the reasons which he stated two years ago. He believed it to be, not a concession, but a necessary inference from the toleration which had been the rule for the last 300 years. He accepted it readily, because, as a Churchman, it was a pain and an annoyance to him that for the services of the Church, which he venerated, any money should be contributed with a reluctant and grudging hand. Let them, then, suppose that such an arrangement as he had referred to, allowing personal exemption from church rates without reason assigned, had been made, how would it affect the landlord? In order to put the case in its least invidious form, he would state how it would affect himself. He was the sole owner of a parish in which he had six or seven tenants, and where there had never been any difficulty about raising the small sum which was paid annually for Church purposes. If the arrangement of which he had spoken was adopted, Farmer A might take advantage of it, and pay no rate. Farmers B, C, D, and E, although they were quite ready to pay their own rates, might naturally object to pay those of A also. What should he do as the landlord? He should say that it was better that they should all be exempted, should take care that the rates were paid, and should arrange with his tenants individually. Was there anything wrong in that, and was it not what must inevitably result from the adoption of the scheme for giving personal exemption? That result was present to his mind when he introduced one clause which had been animadverted upon into the plan which he submitted to the hon. Baronet. At the same time, while he thought that landlords ought to take upon themselves so much of the expense now met by church rates as arose from the repair of the fabric, he admitted that under the circumstances it would be unwise and inexpedient to impose that obligation upon them by statute. Then came the question of personal exemption. For that he was prepared to vote, and so were many other Gentlemen; but the Bill of the hon. Baronet prevented any measure with that object from being laid on the table of the House. He did not suppose the hon. Baronet himself expected it would pass. He might believe—erroneously, as he hoped the result would prove—that the third reading would pass in the House of Commons; but there was another branch of the Legislature, and in the present state of public feeling, with one-half of the community distinctly objecting to the Bill, and with adverse opinions expressed by a very large number of highly respectable persons in all parts of the country, he did not believe the hon. Baronet could expect the measure to be sanctioned by the other House of Parliament, so as to become law. Was it not better that the Bill should be stopped now? He was in a position to state that, within a very few days after the Bill was got rid of, the House would be asked to allow a proposition to be submitted affirming the principal of personal exemption in a shape which was intended to be unexceptionable, such as every Nonconformist could accept without difficulty; and, if any one could point out a more easy or unobjectionable mode of defining those exceptions, his hon. Friend by whom the Bill would be proposed would have no objection to listen to reason. He asserted that no principle was involved in the Bill, or if there were any principle it was one he would describe as that of common prudence. Common prudence showed the importance of endeavouring to arrive at a solution of the question by mutual concession. To agitate it year after year only rendered it more difficult to attain any safe conclusion. If the struggle continued, the blame must rest on those who rejected all attempts at compromise. Disagreeable as that word might be, mutual concessions must be made, and the old English principle of give and take must prevail in the long run. He was not one of those who thought that a great principle was involved, and that a great "no surrender" struggle was a duty cast on all Churchmen. He would not argue the question on any grounds higher than those of common sense, common prudence, and "financial desirability." But the Session ought not to be allowed to pass without some scheme of a practical nature being at all events placed on the table. Such a measure ought, in the first place, to respect the religious principles of those from whom they differed; secondly, it ought to retain for Churchmen their old common law right of levying money wanted for the repair of churches by the old plan of a rate; and, in the third place, it should produce as little disturbance in the existing arrangements in parishes as was absolutely necessary to meet the difficulties of the case. For, let the door of exemption be opened ever so widely, there would still be a large number of parishes in which from the first the new law would be inoperative, as they only asked to be let alone. Lastly, the arrangement, whatever its nature, should not leave it in the power of either side to claim a triumph. Believing that the Bill now before the House was bad in itself, and prevented any adjustment in the spirit to which he had referred, he begged to move that it be read a third time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Lord ROBERT CECIL said, as he also had taken part in proposals for a compromise, he begged to second the Motion of his right hon. Friend. He thought it a most satisfactory feature of the debate, not only that the right hon. Gentleman had spoken in that conciliatory tone which he always adopted when addressing the House, but also, that on the other side of the House a very great anxiety had been shown by hon. Members who supported the Bill to disconnect themselves from that which had now become odious—from association with the Liberation Society. It was exceedingly unjust to charge upon hon. Members who did not deserve it any connection with that society, and he much regretted that the hon. Baronet, the Member for Tavistock, should have suffered from an accusation he so little merited. But when he stated the grounds on which, mistakenly, perhaps, Members at the Opposition side of the House had been led to bring a charge of association with the Liberation Society against the party opposite, the House would acknowledge that there had been some reason for their doing so. Some time ago an hon. Baronet, a very distinguished Dissenter, and a man highly respected in that House, disclaimed all partnership with the Liberation Society, in these terms:—"In taking the course he now did he begged to assure the House that he had never taken any part with the enemies of the Church. No man deplored more than himself the existence of the Liberation Society." That was a very satisfactory announcement from the hon. Baronet, the Member for Finsbury (Sir Morton Peto). But, unfortunately, in ransacking old newspapers, he came across a copy of the *Liberator*, a paper known to record the views and to represent the opinions of the Liberation Society. In it he found an account of a meeting in 1859, and there, to his extreme astonishment—having listened with such pleasure to the disclaimer of the hon. Baronet, the Member for Finsbury—he read as follows:—

> "Sir M. Peto, Bart., who was received with loud cheers, said,—In order to be useful in Parliament or out of it, it was necessary not only to be very sincere and straightforward, but also very clear in one's sentiments; and when he stated that he sympathized with the object of the meeting, and desired to labour with those who conducted the affairs of the society, they would feel, he hoped, there could be no mistake about his views. It was also necessary, in order that a man might be useful, that he should be prudent in advocating his opinions and conciliating to those who differed from him. There must be no shrinking from principle in the House of Commons in the present day. He remembered that in the earlier stages of the society he had felt some hesitation in identifying himself with it, because he felt there was not that kindness and liberality shown towards those who differed from it which he felt should be entertained; but he must admit that the conduct of its affairs, especially during the last three or four years, had thoroughly recommended it to his adhesion and support, and he had no hesitation in thoroughly identifying himself with it."

With two such documents before him, the speech of an hon. Member in the House of Commons on one side, and his speech in the Liberation Society on the other, was it so very odd that hon. Members should rather distrust these loud disclaimers of the Liberation Society? When the hon. Baronet the member for Finsbury, who, as he had already stated, was highly respected, and would no doubt be able satisfactorily to explain this apparent inconsistency, found no difficulty in combining these opposing incentives to action, might not other Gentlemen be similarly situated with regard to their opposition to church rates? Another document came under his notice within the last few days. It was headed "Serious and immediate," and it was addressed "to the ministers, office-bearers, and others connected with the various Nonconformist bodies throughout North Derbyshire." It said—

> "Dear Freinds,—Very special information has

> reached the Church Rate Abolition Committee relative to the means already in active operation to defeat Sir J. Trelawny's Bill on the 5th of June."

And it proceeded to state that the two hon. Members for Derbyshire having recently modified their opinions on the subject of church rates, the undersigned respectfully urged—

> "Every Nonconformist minister, office-bearer, and layman, of whatever denomination, in your county to write at once to Lord G. Cavendish and Mr. Thornhill, and not to cease their communications until there had been received a distinct assurance of their intention to be present at the division on the 5th of June, and to vote for the Bill."

A reason was given for that extreme pressure, for the authors of the circular, it seemed, did not regard a victory in the House of Commons as sufficient, recent discussions about the House of Lords having given them new views of constitutional questions—

> "We must employ all legitimate means to defeat this plan, more especially as the carrying of the Bill a third time to the House of Lords will introduce into the discussion a constitutional issue between the two Houses, which can only end in one result."

That was the view of the functions of the House of Lords, and of the tone which the House of Commons should adopt towards it, that had been propagated in the country by the measures which had recently been passed. He particularly wished to call attention to the signatures attached to this document. These were—

> "Edward Steane, D.D., and J. H. Hinton, M.A., secretaries of the Baptist Union; George Smith and Robert Ashton, secretaries of the Congregational Union of England and Wales; Apsley Pellatt, chairman of the Dissenting Deputies; Robert Eckett, secretary to the United Methodist Free Churches; William Cooke, ex-president of Methodist New Connexion; R. Brook Aspland, M.A., secretary of British and Foreign Unitarian Association."

All these names represented the various Dissenting bodies who formed the strength and backbone of the present agitation against church rates; but last of all came the well-known names of "William Edwards, Charles J. Foster, Liberation Society." The hon. Baronet the Member for Tavistock told them that if the Bill were not passed this year he would hand them over to the secular arm. He did not know exactly what the "secular arm" meant, but he supposed it was the hon. Member for Birmingham. Personally, he should rejoice at the change, for the hon. baronet the Member for Tavistock always held the anguage, and he believed entertained the sentiments, of a sincere friend of the Church of England. In defending the Church of England against one whose sentiments were orthodox, Gentlemen at that side of the House were placed at some disadvantage. Gibbon declared that nothing "was so dangerous as the virtue of priests," and, from his point of view, that was a just observation. He would venture to paraphrase that sentence by saying that nothing was so dangerous as the orthodoxy of Radicals. He should, therefore, rejoice if this agitation were handed over to the hon. Member for Birmingham, who, by his previous language, his known sentiments, and the political support on which he relied, was well entitled to be placed at its head. The hon. and learned Gentleman the Member for Plymouth (Mr. Collier) said it was a disgrace and a shame to a Christian country that the question should so long remain unsettled. In that sentiment he entirely coincided. But the question was who was guilty of the delay? It was protested on the other side of the House that the measure was proposed in the spirit of civil and religious liberty. There were two kinds of liberty—that of the parish and that of the individual. Since the decision in the Braintree case nobody would dispute that the liberty of parishes had been absolute and complete. But some parishes liked to adopt one course and some another; and some, not content with carrying out their own views, came forward and said, "We will compel other parishes to do as we like also." The Bill, promoted in furtherance of that spirit, was not a Bill of liberty and enfranchisement, but of disfranchisement and forfeiture of privileges which had been held for a thousand years. It was a Bill of pains and penalties to punish those parishes which liked to levy church rates; it was an attempt to impose on the majority a Procrustean rule, coercing them to forego their own inclinations; it was an attempt to fix on all the opinions and the actions dictated by the inclination of the few. But, then, it was represented, not as a question of parochial, but of individual liberty, and it was held to be a grievance that individuals should be forced to pay for the support of a system in which they did not believe. Hon. Gentlemen on his side of the House, though they might not perfectly agree with that opinion in theory, were yet prepared to give practical expression to the view that those who did not hold the tenets of the Church of England should not be called on to contribute towards her support by the payment of church rates. But when they sought to carry their view into practice they discovered that the conscientious objection referred to a conscience of a very peculiar kind. It was not a conscience that objected to worship in the edifices of the Church of England, to enjoy all Church privileges, to use her churchyards, to attend her sacraments, or to avail itself of the ministrations of her clergy. It was simply a conscience which objected to pay for what it enjoyed; and in that respect it was like a conscience which was very common in the world, only it did not usually bear that name. He agreed with the hon. and learned Member for Plymouth in thinking that the form of the exception was a secondary matter. Whatever form was adopted it would be equally a register of Dissenters. The hon. Baronet the Member for Tavistock (Sir John Trelawny) said, that by cutting too sharp a line round the Church of England they would lose a great many of those who would otherwise join her communion. He could not understand the extreme anxiety shown by many sincere persons to retain those who, as it were, hung outside our religious system with an impartial affection for church and chapel, who went to chapel in winter because it was warmer than the church; and who went to church in summer because churches were generally larger than chapels, and who were so completely impartial that they usually refused to support either one or the other. These were a kind of amphibious religionists, with whom he owned he had no manner of sympathy, and whose numbers he believed had been very much exaggerated. With those who were anxious to spread an opinion in the world, or to maintain a creed, the text, "those who are not for us are against us," was of universal applicability, and was the only road to success. And if they made efforts to claim men who were mere waverers in opinion, who when a stress came would desert, or, at least, give them no genuine support, they were but wasting their resources and sacrificing their principles for an unworthy object. An opinion such as he had adverted to he had even heard from his hon. Friend the Member for North Warwickshire (Mr. Newdegate), and he was the more surprised, because at a time anterior to his own political experience his hon. Friend had been the whip of a party. Did he then value the waverers and mere outsiders? Did he think the men who always failed him at a pinch were worth the sacrifice of any principle to conciliate them? The hon. and learned Member for Plymouth, using a word which had almost grown classical in Parliamentary language, said that, whatever they did, they must not "ticket" Dissenters. The hon. Member for Birmingham, who was the originator of the phrase, told the House on the second reading of the Bill that the old Puritans were the fathers of the present Nonconformists, and that the spirit of the old Puritans still lived. Hon. Members at the present day might differ from the Puritans, might condemn many opinions which they held, and many acts which they did; but, at least, they must acknowledge them to have been some of the noblest characters in our history. They maintained earnestly and fearlessly, not only against public opprobrium, against the frown of power, but against absolute and cruel persecution, the opinions which they held and the faith in which they believed. If any of them could rise again, he was convinced they would disown their degenerate children, who regarded it as a stigma to be ticketed with the name of their own belief, and wished to enjoy the luxury of Dissent in secrecy and obscurity. But he could well understand the feeling of the hon. Member for Birmingham, and those who acted with him, for entertaining peculiar views on the question of secrecy; they had for years been asking the House to apply that secret policy to our political system. It was by a natural transition that those who sought the secresy of the ballot should dislike to bring their religious opinions into the light of day. He would not, however, believe that these Gentlemen really represented the Dissenters of the country. He could not doubt that the latter would repudiate with disgust the imputation that they were ready to slink into a corner, and that, for fear of losing a certain amount of social caste, they wished to conceal from their friends and neighbours the creed and the opinions they professed. The failure of all proposals for a compromise betrayed the objects and policy that were at the bottom of all the professions of the abolitionists. If they were really anxious for the relief of personal conscience, such flimsy objections as had been put forward in regard to "ticketing" would not have been urged. Such objections proved what the evidence of the Liberation Society, the avowals of liberation newspapers, and the speech of the hon. Member for Birmingham (Mr. Bright) on the second reading of the Bill abundantly showed — that a considerable number of those to whom the agitation on the subject was due were actuated, not by the desire to obtain civil and religious liberty and toleration, but to pull down the Church of England from the national position it occupied at present. Although, therefore, he did not entirely go with the right hon. Gentleman (Mr. Sotheron Estcourt) in his proposal, he was not sorry it had been made. He thought it established that those who sat on his (the Opposition) benches, at least, were anxious for the settlement of the Church-rates question. If the proposal for a compromise had come from the Opposition under other circumstances, it might be liable to misconception; but now, when the tide had turned in their favour, when the divisions in support of the Bill had diminished year by year, when the House of Commons were equally divided, and an overwhelming majority of the House of Lords were against the abolition, the country would discern between the real advocates of liberty and toleration, and those who only concealed under these fair names the bitterness of political hostility and the desire for widespread and revolutionary changes.

MR. HARVEY LEWIS said, that representing as he did a large and important constituency (Marylebone), he felt it would hardly become him to give a silent vote on a question of such magnitude. He would not, however, trespass too long on that indulgence which the House generally conceded to a new Member. He wished to express the pleasure he felt in hearing the very conciliatory speech in which the opposition to the Bill had been conducted by the right hon. Gentleman (Mr. Sotheron Estcourt), who had so carefully and so gracefully avoided personal allusion of any kind. Whatever the division on this measure might be, it was consolatory to all who intended to vote, as he did, in favour of the Bill of the hon. Baronet (Sir John Trelawny), to know that an endeavour had been made on the other side of the House to satisfy the just claims of the Dissenters. The position of the question was this. Both parties grounded their course of action upon conscientious principles. The right hon. Gentleman the Member for North Wiltshire evinced a desire to waive the principle of compulsory collection in the case of those who conscientiously objected to the payment of church rates.

MR. SOTHERON ESTCOURT: What I said was, I would never assent to give up the mode of raising the money by means of a rate.

MR. LEWIS: Be that as it might. It might be true that church rates had lasted a thousand years. The time, however, had now arrived when they ought to cease. They all looked with love and respect upon the venerable fabrics of the Church of England, and wished to see them kept in thorough repair. As a sincere Churchman, however, he felt convinced that in voting for the Bill of the hon. Member for Tavistock he was conferring a great boon on the Church. The Established Church ought to live in the hearts and affections of the people, but that result could never be obtained so long as so wretched and miserable an occasion of bickering and quarrelling was maintained. To abolish church rates would, therefore, be, in his opinion, to cut out a festering sore that was eating into the very vitals of the Church, and weakening its influence in the country. The voluntary principle had been so pre-eminently successful that the Church need not fear the smallest possible damage from the abolition of church rates. Let any one consider what the voluntary principle had done among the Dissenters. Chapels erected in every part of the country were nobly sustained, and their ministers provided for. So far were Dissenters from wishing to hide their opinions from the light of day, that these chapels were filled to overflowing. Then see what the voluntary principle had performed within the Church itself. Could hon. Gentlemen, unless they held pews of right, obtain accommodation in any parish church in the Metropolis? Churches and chapels had arisen in connection with the establishment which were maintained and kept in repair, and their ministers supported, by voluntary contributions. The Church Missionary Society sent preachers of the Gospel to almost every part of the world. Almost every town on the Continent had its place of worship, supported by voluntary contributions, where Englishmen could worship God according to their conscience. He had that confidence in the liberality and religious feeling of members of the Established Church that he was sure they would not permit their sacred edifices to fall into decay. On the contrary, when Churchmen felt that the support of their places of worship depended on their own contributions, our churches would, he firmly believed, be kept in a far better state of repair than many of them were at present. He had no hesitation in giving his vote in favour of the Bill of the hon. Member for Tavistock.

MR. CROSS said, he was not going to enter into the question of the merits of church rates. He would assume that the vast majority of hon. Members and of the country at large were in favour of a settlement of the question in some shape or other. The only thing for consideration, therefore, was the form the settlement should assume. It was asserted that the only mode of settling the question was by the total abolition of church rates. That, however, he did not call a settlement of the question, but removing it out of the way altogether. He would not deny that persons on his own side of the House had, on the other hand, hoisted the flag of "No surrender." These, however, were the two extremes, and these extreme opinions were only held by a small minority in the House. The great body of independent Gentlemen on both sides of the House wished to see a fair and practical settlement of the question without delay; but when they came to define what the settlement should be, a difference of opinion manifested itself. Some held that the only way in which the question could be settled was by redeeming or buying out church rates, as, for example, the land tax was redeemed. He did not hold that view, and thought that the only practical way of settling the question was that pointed out by the right hon. Member for North Wiltshire (Mr. Sotheron Estcourt)—the recognition of the principle of personal exemption. That opinion was, he knew, held by many hon. Members on both sides of the House, and it was, perhaps, the only mode of securing the practical settlement of the question now and for ever. What was the settlement which he (Mr. Cross) proposed? He would propose that all persons who objected to pay church rates should have an opportunity of stating that they did so. He would not propose any settlement which he thought was not likely to be accepted by reasonable persons who objected to the payment of church rates. He believed it was a sound principle in legislation to find out where a grievance existed, and then remove it. Dissenters complained of the payment of those rates as a grievance, and though he could not see the force of the argument, yet, as it was used by them, and as they said they had an objection to pay the rates, he would allow them to say that they so objected, and would on that declaration relieve them from payment. He would not advise anything to be done which might have the effect of withdrawing men from the pale of the Church, and of registering them as members of any other religion. He did not want to deprive the Church and churchmen of the right of meeting together in vestry as they had done for hundreds of years, for the purpose of talking over Church matters; all he would ask was that persons who objected should say so, and that on the statement of that objection they should be relieved from the payment of the rates. He would not even call on any person to say why he objected to church rates. He believed the effect of such a system would be that many who differed from the Established Church would willingly pay church rates. Churchmen might object to pay if they chose. The plan, he had no doubt, would work well, and he believed that in a few years no more complaints would be heard on the subject.

Mr. Lewis

MR. T. DUNCOMBE said, he rose to order. The hon. Member was discussing a proposition which was not before the House. He was arguing in favour of some compromise of his own. But the House had before it a Bill for the total abolition of church rates. The hon. Member's Bill was not on the Table.

MR. SPEAKER said, it was perfectly true that in strictness the debate ought to be confined to the Bill actually before the House; but on many occasions like the present, when Bills on the same subject were under consideration, a greater licence was conceded to hon. Members who addressed the House. If the hon. Member had been present earlier in the debate, he would have found that such a latitude had been already granted to more than one hon. Member.

MR. CROSS said, he should be the last person to trespass wittingly on the rules of the House. He had only been anxious, in stating the grounds why he opposed the third reading of the Bill, to show the principles on which he thought the question ought to be settled. When a person declared that he objected to the payment of church rates, he would, of course, not attend the meetings of vestry, though he might rely on his interests being protected by his name being omitted from the list of ratepayers. He thought that the question should, if possible, be settled during the present Session. But it was impossible, at that period of the Session, to discuss any mode of settlement so long as the Bill of the hon. Baronet was before the House. It was, therefore, necessary that that obstruction to the settlement of the question should be removed before they could proceed to the consideration of any other measure. The country was anxious to deal with the subject on its merits, and he felt himself justified in saying that if the Bill of the hon. Baronet were out of the way the Bill which had been shadowed forth by the right hon. Member for North Wiltshire would be brought forward within a few days, which would enable the House to settle the question in a satisfactory manner.

SIR GEORGE LEWIS : If the opinions expressed by my right hon. Friend (Mr. Sotheron Estcourt) are shared generally by hon. Gentlemen opposite it is plain that there is no wide interval between the views of the two sides of the House, and that the settlement of this question on principles of the widest toleration is by no means distant. The objection made by the Nonconformist body to the existing system of church rates is not an objection to fiscal burdens, but one based on conscience. The noble Lord (Lord Robert Cecil) said this objection was hypocritical. [Lord ROBERT CECIL : I never used such a word.] The noble Lord did not use the word, perhaps ; but his argument went to show that the conscientious objections of Dissenters were at least insincere. He urged that they were limited to particular cases, where they had an advantage in pleading them, and that where there was no advantage their objections did not appear. My conviction is that these conscientious objections are sincere on the part of the great body of Protestant Dissenters in this country, who protest against contributing funds for the support of a Church with whose religious views they could not sympathize. The grounds on which Dissenters object to church rates are, therefore, not founded on the pecuniary pressure of these rates ; and it is impossible to urge any valid answer to this conscientious objection. It may be treated with sneers and ridicule, but it is impossible to deny its reality and its efficacy on the minds of the persons on whom it acts. It should be borne in mind that precisely the same objection was treated as a ground of legislation in the case of Ireland. Vestry cess was abolished in Ireland on the very ground that conscientious objections were entertained to paying it by the Roman Catholics, who formed the great body of the Irish people. That ground applies exactly to the case before us. The main argument used against a change of the law on the part of the Established Church is that if there is no compulsory charge levied upon the body of the ratepayers for the maintenance of the fabric of the church you destroy the essence of an Established Church ; but that argument seems to me void of strength, and, moreover, it was disregarded in the case of Ireland. Because, although I admit a charge in the case of Ireland was substituted, and the Church was not left without sufficient provision for its repairs, still the compulsory charge upon the community by taxation for the maintenance of the fabric of the church was abandoned, and, therefore, it cannot be said that there was left that compulsory charge which is of the essence of a national rate. Looking, then, at the dissension caused by the existence of church rates and the absence of any cogent argument on the part of the Church for their maintenance, I am prepared to vote for the third reading of the Bill. At the same time I am ready to enter into the discussion of the proposals that have been made on the opposite side. I contend that it is quite competent to us to discuss these proposals to-day. If they were in the shape of Bills before the House it would be irregular to enter into any discussion of them now, but as they are mere proposals, brought forward in speeches and in other forms, it is quite competent for us to consider them in connection with this Bill. In the first place there is the proposal of the hon. Member for Preston (Mr. Cross) which is founded on the Report of the Committee of the House of Lords. The essence of that proposal is, that you shall start on the assumption that every occupier is a member of the Established Church —that you shall charge him with church rate, and then leave every individual ratepayer, without alleging that he dissents from the Established Church, to claim, if he so chooses, that his name may be struck off the list of ratepayers.

MR. CROSS : I propose, that if a man objects to pay church rates his name should not appear on the list of ratepayers at all.

SIR GEORGE LEWIS : At all events

his name is to be omitted from the list of ratepayers. Substantially, the plan of the hon. Gentleman is what I have stated. If any ratepayer enters an objection his name is to be omitted from the list. Now, my objection to that system—which is based on the most extensive toleration—is that it reduces church rates to a mere voluntary payment, and deprives them of the character of a rate. Supposing a person who wishes to have his name omitted from the list should nevertheless fail to make an objection in time, it seems hard that you should issue a distress warrant against him when, if he had made his objection a few days earlier, he would have been freed from such a possibility. My right hon. Friend (Mr. Sotheron Estcourt) laid down his proposition, and said he wished to exempt from the payment of church rates those who objected to support a church the principles of which they disapproved. But on that ground how can you maintain the principle of a national rate? If you lay down that principle you concede the doctrine on which the Bill of the hon. Baronet is founded. All the hon. Baronet asks is that you should not subject Dissenters to the payment of church rates. [*Cries of* "No, no!"] I cannot see any practical distinction between the two proposals. The only distinction lies between a general and a personal application of the same rule. If you admit that all persons who dissent from the Established Church are to be exempted you destroy the character of a compulsory rate, and then you must come to the principle of a total abolition of the rate. I cannot see, therefore, that there is any standing ground for a distinction between the principle laid down by the hon. Baronet and that advocated by my right hon. Friend, for the essence of a rate is that it should be general and compulsory. Then, my right hon. Friend opposite proposes a plan in which there shall be two rates—one a rate of a penny in the pound, being of the nature of a land tax; and the other a voluntary rate on occupiers. I confess that that plan seems to me to introduce a new complication into the question, and that in a form highly inexpedient. It has been generally recognized as a principle in these discussions that we are not to give to the Church a stronger remedy than that which it now possesses, or to put it in a more favourable position than that which it now occupies. But if you lay a charge on the land to the extent of a penny in the pound it would no longer be the voluntary rate now imposed by a majority of the vestry. Another objection to the plan is that it would not remove the scruples of those who object not to the amount of the rate, but to the principle of it. On these grounds I am not favourable to the compromise suggested by my right hon. Friend. But if this Bill is passed in its present form, conscious as I am that in the great majority of parishes, including nearly the whole of the rural parishes, a church rate is made by general consent, I am not prepared to say that that would be a satisfactory state of the law, or one that could remain for any long time. Hon. Gentlemen opposite have seen various plans proposed. Perhaps they will allow me to state my plan. I am not at all sanguine that it will be favourably received by any considerable number of Gentlemen opposite, but still I will take the liberty to state it. The objection I have to the plan of the hon. Member for Preston is that it starts with the assumption that every occupier in a parish is a member of the Established Church, and puts upon those who are not members of the Established Church the obligation of keeping their names off the list of ratepayers. That gives rise at once to a system very much objected to, and which has been called ticketing Dissenters. I would proceed in a reverse direction. I would begin by laying the charge on those who are members of the Church, and who testify their membership by attendance at a place of worship. I know the objection there is to the principle of pew-rents; but I cannot admit that the objection has much weight in it, except what may be derived from accidental associations. We know that pew-rents are paid to a great extent in the metropolitan churches; in fact, a large majority of them are maintained in this manner, and so also are the district churches in the country. But Gentlemen seem to think that there is something objectionable in the name of pew-rents, and that they are unworthy of the character and position of an Established Church. It seems to me that a list should be made of persons attending the church and forming the congregation in each parish, who should form the vestry, and that there should be a power of imposing a compulsory rate upon them, which should possess all the legal qualities of a rate. I cannot see that this proposal is open to objection. There would be no ticketing of Dissenters, and I believe the system would work harmoniously in rural parishes, and provide a sufficient fund for the maintenance of the fabric of the church. I am quite aware that Gentlemen opposite will think this an insufficient plan; but I mention it as my contribution to the list of suggestions that are being made, and I trust the House will give me credit in making it for a sincere desire to bring about a practical settlement of this important question.

MR. NEWDEGATE said, he had for many years opposed the abolition of church rates, as a spoliation of the Church, and an interference with the parochial system of this country; and when he considered the proposal of the right hon. Gentleman the Home Secretary, he felt that while it was not quite analogous to the scheme for "ticketing Dissenters," which was deeply objectionable, it would "ticket Churchmen," and not only ticket Churchmen, but it would tax them also, and them only for the benefit of the whole community. If there was any title to the possessions of the Church of England, whether in the shape of glebes or tithes—if there were any title to her position as a national Church, it consisted in this—that she was a Church maintained by the nation, at the cost of all, for the benefit of all. That the principle on which he had ever upheld the Church of England as the National Church The noble Lord, the Member for Stamford (Lord Robert Cecil), had thought fit to refer to him as having formerly held a position in connection with the party on that side of the House, and to infer that he had departed from the principles upon which that party was formed. His (Mr. Newdegate's) special connection with that party had long ceased. He was an independent Member of the House. But he had been the first accredited officer employed in the formation of that party in 1845. He acted alone for more than a fortnight in the formation of that party, under the late Duke of Richmond; and, perhaps, he might be allowed to be some judge of the principles on which that party was formed. The party was strictly national. The principles on which that party was formed embraced the maintenance of the Church of England as she existed in that blessed completeness which she derived from our forefathers, and in the comprehensiveness which the Church acquired at the Reformation, when an hon. Member of that House accused him of having departed from those principles—

LORD ROBERT CECIL said, he had never stated anything so preposterous as that the hon. Gentleman had departed from his own principles.

MR. NEWDEGATE said, the hon. Member accused him of having abandoned the principles of that party. [Lord ROBERT CECIL: No, no!] Then what was the meaning of the noble Lord when he alluded to his having been formerly whipper-in of that party? He should be sorry to believe that he was alienated from those with whom he had so long acted, because they had narrowed their views of the Church of England, and would consent to her being treated merely as a sect instead of being the national Church of the country. Undoubtedly, she permitted great difference of opinion. She comprehended the noble Lord, and she comprehended himself. He did not complain of that. It was a glorious attribute of the Church of England that by her principles, her doctrines, and her discipline, she was fitted to be the national Church of a country in which the expression of great latitude of opinion was allowed; and it was because he feared that if either of the plans he had heard suggested, that suggested by the right hon. Member for Wiltshire, or that indicated by the Home Secretary, for narrowing the incidence of the charge for maintaining the fabric, it would practically narrow the organization of that Church that he objected to all personal exemption on the score of opinion. He objected to the proposal of the hon. Member for Preston (Mr. Cross) because, disguise it as they would, it would ticket the Nonconformists. He objected to the suggestion of the right hon. the Home Secretary, because it would both ticket and tax the Churchmen for the benefit of all. What he hoped would be done was this—that as property had always been liable to the charge of church rates through the occupation thereof, that now, when it was found that large bodies of persons were unwilling to submit themselves to the discipline of the Church—unwilling to be bound during their whole lives by the doctrines of the Church—and still more to any personal liability for the maintenance of the Church—that the whole difficulty would be swept away by creating a provision for the National Church out of the property of the country, which was always liable to it, and by abolishing all personal liability to any charge whatever on account of the Church. That seemed to be consistent with a wide toleration and almost with equality of religious opinion.

Let them not destroy the National Church because some objected to it for their whole lives, and others for a part of their lives; but let them make provision for her maintenance in her full extension out of the property on which she had a claim which was perfectly indefeasible. Until some such proposal was made he must object to the Bill of the hon. Baronet, the Member for Tavistock, on the ground that the National Church had a claim on the property of the nation, which would remain unsatisfied by the total abolition of church rate without a substitute, whereby the Church would be despoiled of some £300,000 a year, which was essential to the performance of her functions, and upon the ground that by his measure, without intending it, the hon. Baronet would go far to break up that parochial system which lay at the foundation of our self-government, and was one of the primary elements of the Constitution.

MR. BUXTON said, he would not have spoken at all upon the subject under discussion, but that he thought it desirable that as there were many hon. Members on his side of the House, who entertained an earnest wish that the question of church rates should be amicably arranged, some one of them should give expression to his opinions in that respect. He quite concurred with those who thought that the tax was one which in its present shape was attended with serious evils, but he could not help thinking that the force with which those evils were felt constituted a good reason for accepting nine-tenths of that which the opponents of church rates required, if they found they could not obtain that which they sought for in full. It was, he might add, quite obvious that they had not come off quite victorious in the struggle, inasmuch as, while two years ago they had a majority of seventy-one in favour of the second reading of a Bill for the abolition of the tax, that majority had last year dwindled down to thirty, and in the present Session to eighteen, so that if that process of diminution were to continue they must on the next occasion expect to have a majority of only half a Member. Then the question would still have to be dealt with by the House of Lords, and it was under those circumstances obvious that, while much ill-will would be created, church rates would not be done away with for the next forty years, unless some amicable arrangement with respect to them were arrived at. His opinion, therefore, was, that the scheme suggested by his right hon. Friend opposite was a generous proposal, and indicated a liberality on the part of hon. Gentlemen sitting upon the other side of the House which would be in striking contrast with that displayed by those who sat upon the Ministerial side, if they refused to entertain it. The effect of the scheme would, he thought, be virtually to abolish church rates, while at the same time, those members of the Church of England who wished to rate themselves for the maintenance of their parish church would be provided with the necessary freedom and machinery for the purpose. He had simply to say, in conclusion, that he believed he was speaking the sentiments of a large number of hon. Gentlemen on his own side of the House when he asked the Government to direct their attention during the recess to devising some settlement of the question based upon the principle indicated by the right hon. Gentleman to whom he referred.

MR. BRIGHT: Sir, I think that my hon. Friend who has just sat down is one of the most easily persuaded and credulous mortals with whom it has been my lot to have met for some time. Now, I am willing to go with him in his expression of admiration of the speech of the right hon. Gentleman opposite; nothing could be better, unless it had a slight admixture more of what he might probably have got from this side of the House. But we must recollect that the right hon. Gentleman has only within the last few days sent round to all the Members of this House the terms of a proposal which he himself, after the most mature deliberation, was prepared to recommend for the adoption of Parliament. The right hon. Gentleman says, indeed, that we are to consider that proposition now as laid aside, but that we are not to look upon it as one which he himself disowns, or one which he does not think it reasonable to make. But, instead of adopting the plan of the hon. Member for Tavistock to abolish church rates, he proposes that there should be two church rates, and that they should be perpetual in scores and hundreds of parishes in which the tax has for several years not been levied. ["No, no!"] Yes; his theory is a limitation to five years, but we know that every year the number of parishes in which church rates are still granted is diminishing, whereas the number in which they are abolished is increasing. I, therefore, contend that no simple fish in a pool ever rushed so foolishly at a fly as the hon.

Gentleman who has just spoken, when he rushes at a proposition like that which has been simply put forward in the speech of the right hon. Gentleman, and which has never been put in the shape of a Resolution, so that we may definitely know in what it actually consists. For my own part, I undertake to say that if the right hon. Gentleman makes a proposal which practically includes nine-tenths of the Bill now under discussion, many hon. Gentleman, indeed, I believe the majority—on his own side of the House would at once reject it. Now, I hope I may not shock anybody when I say that I, for one, am weary of these church rate discussions. The noble Lord opposite (Lord Robert Cecil) is a lively Member on the subject, but he must not be surprised if that be not my case, seeing that I have listened to debates with respect to it for the last fourteen years, and that I myself have taken up no small portion of the time of the House in discussing the matter. I have, however, the great consolation of believing that we have during all that time made some progress. We are, it is true, a slow people, and Parliament is slower than the nation; but, notwithstanding these facts, we have attained to a certain amount of information upon the question, as is clear from the speech of the right hon. Gentleman opposite who brought us to this point—a conclusion which, when I first entered the House of Commons, was denounced as something fearful—that the Church of England, excluding, of course, from consideration the property of the State which is intrusted to her or which she may in any way possess, shall henceforward be supported in her services and the maintenance of the fabric of the church by the contributions of Churchmen alone. That is the principle which the right hon. Gentleman has admitted to be a fair one, and to be in conformity with the opinions entertained upon this subject on the other side of the House. Then comes the question, how is this principle to be carried into effect? I may say that all the plans that have been submitted to the House of late have adopted this same principle, from which I am confirmed in my belief that we have made astonishing progress in this question; and possibly, when we get a little further on in our discussion, we shall be able to get what hon. Gentlemen would not hear of when I first came into Parliament. However, we are agreed upon this, hat only those who are churchmen should be expected to support the Church of England. The hon. Member for Preston (Mr. Cross), who has taken a course upon this matter the fairness of which I admit, and which does him great credit, proposes that anybody who objects to pay church rates shall be entitled to do so, and that there the question in dispute shall end. Now, that looks exactly like that to which we upon this side of the House ask you to accede. It cannot, however, be precisely the same thing after all, because if it were I do not suppose you would object to the proposal of the hon. Member for Tavistock. The noble Lord the Member for Stamford has, among others, the "No Surrender" flag, if I do not mistake. I will not try to settle the differences between him and the hon. Member for North Warwickshire, but it is quite clear that he spoke of the question to-day in a very different spirit from what he used to do: at the same time I think he might yet learn something of a more conciliatory manner from the hon. Member for North Warwickshire. But the question comes now to this—how are we to accomplish this object? The hon. Member for North Warwickshire says that the right hon. Gentleman, instead of ticketing Dissenters proposes to ticket Churchmen. I have no objection to this plan if they will reverse, its application; if every person shall be free but those who choose to write to the vestry and say that they are willing to pay, I shall be satisfied. You want a compromise, my hon. Friend the Member for Maidstone is great for a compromise. Well, the right hon. Gentleman the Member for the University of Cambridge brought in a most elaborate Bill which was also a compromise; yet these measures never corresponded with the views of hon. Gentlemen opposite, so far as I heard them expressed. The hon. Member, too, last year made a proposition which did not meet the acquiescence of the House. Some Members of the Treasury bench also brought forward plans in past times, but they also were unsuccessful? Why has all this been the case? Simply because those proposals did not hit the grievance which is complained of, and I would now ask whether hon. Gentlemen opposite hit it when they say that they are ready to assent to the suggestion that Churchmen only should be expected to pay the tax for the future? Are they, in acceding to that suggestion, willing also to get rid of that which Dissenters feel to be a certain legal supremacy on the part of the Church of England with respect to this question? [*Ironical cheers.*] Hon. Members opposite are well aware that I do not in this matter shrink from the open avowal of the opinions which I entertain. I told the House on the second reading of the Bill under discussion that the question at issue was not one of £250,000 as between Churchmen and Dissenters, and that it was impossible to settle it except on the ground of perfect equality as between the Church and other sects, so far as the tax itself was concerned. I am quite sure you Churchmen would despise us Dissenters if we held other language than this, and we shrank from making avowal of the principles we hold. You cannot for a moment suppose a contest which has been maintained incessantly for twenty years turns altogether upon the payment of a penny or a half-penny in the pound in the shape of a rate. There must be in this matter something deeper, and he is no friend of the Church and no true statesman who hopes to settle this question without taking that fact into consideration. The right hon. Gentlemen the Member for Wiltshire said, that by passing the Bill you will please one-half the population and aggrieve the other half; but I do not think that the right hon. Gentleman was quite correct in saying that. Everybody will, I think, admit that in nearly all the parishes where the payment of church rates has been contested there have been found friends and members of the Established Church who have openly protested against the continuance of the tax. I have heard of a case in which an amendment pronouncing in favour of a voluntary rate was seconded by the curate of the parish, and I know of one which took place in Somersetshire, in which, when the vestry met to levy a church rate, the clergyman of the parish, knowing that a contest with all its attendant evils was impending, told his friends—who I believe constituted exactly half the vestry—that he was ready to give a cheque for £70 or £80 out of his own pocket rather than that his parishioners should be thrown into the state of turmoil which he anticipated would be the result of persevering in levying the tax. His friends, however, did not think it reasonable that so great a burden should be thrown upon him, and probably not wishing to pay the required money themselves, preferred to encounter a contest in order to raise it, and the rate was, I believe, eventually carried. But here you have the fact that one of these men, whom you so much and so deservedly respect, being aware of the multiplied evils which were likely to ensue from persevering in levying the rate, offered, in order to avoid the contest, to pay a large sum out of his own pocket. He is one of those men of whom Chaucer says—

> "Christ's law and His apostles' twelve
> He taught; but then he followed it himself."

There are, I believe, many more—hundreds more—clergymen of the Church of England who would from the bottom of their hearts thank you if you were this Session to pass the Bill of my hon. Friend the Member for Tavistock. The right hon. Gentleman, however, brought forward a new argument. We are told that in taking that course we should be striking a blow at the root of that parochial system which it is said tends so much to foster our freedom, and which is so much admired within these walls. But the right hon. Gentleman opposite himself proposes that in the case of those parishes in which a church rate has not been imposed for five years—that is to say, in the case of one-third or one-fourth, or one-fifth of the parishes of England, as it may be—to abolish this parochial constitution of which you speak, and last Session the right hon. Gentleman the Chancellor of the Exchequer made a proposal somewhat to the effect that in all populous and town parishes church rates should be abolished, but that in all rural parishes they should be continued. With respect to that proposal I may be permitted to observe that there are in the rural as well as the town parishes thousands of Dissenters who object as strongly to the payment of the tax as any persons resident in the towns, and that if you abolish it in the one case on conscientious grounds, it would be intolerable, monstrous, incredible, that you should seek to continue it in the other. I have got a plan of my own upon this question, but I do not offer it to the House as an original one. My theory of the present Bill is, that if we accept it, it will leave the parishes entirely free, and it will leave the churchmen in every parish also free. It will leave the parishes free for that voluntary rate which is now found to be sufficient to support all the churches which have been built during the last fifty years, and all the chapels of all the Dissenting bodies in the kingdom. But I have heard it repeatedly stated in this House and elsewhere that it would be better for Church congregations and Churchmen if they had some machinery. They have not, it is said, the machinery which Dissenters have in their congregations; they have not so strict a line of membership; and, therefore, they would be at some disadvantage in arranging their affairs when the new system was introduced. I admit there is some force in that, and anything which the House could do with the view of providing a remedy should have my hearty support. But why should not the machinery you have suffice? The right hon. Gentleman the Home Secretary referred to a plan which has been submitted to many hon. Gentlemen in the shape of a pamphlet by some person who, I believe, was once a Member of this House. The writer of that pamphlet proposes that you should leave everything just as it is, only abolishing the summons, the magistrate, and the bailiff; that you should meet as you meet now and agree upon a rate; in point of fact, that you should do precisely that which has been done in the parish of Manchester for as long as I can remember. The rate is arranged somehow by those who will have the spending of it, and a bill is sent round, as in old times, for the amount, but it has the words "optional rate" printed upon it. What is the result? The other day I saw that the old cathedral had been repaired in a manner which it has not been accustomed to for some centuries. In the parish in which I live the Church churchwardens, not the Dissenting churchwardens, advertise themselves to the ratepayers as particularly worthy of their confidence on the ground that they will never again permit a church rate in the parish; and yet the old parish church is in a condition in which the oldest inhabitant never saw it before, and never hoped to see it until the church rate was abolished. I saw, then, that I had pointed out what is probably the best mode of dealing with this question. There is another plan which, if adopted, would meet the objections raised by the Chancellor of the Exchequer last year. It will be recollected that the right hon. Gentleman made a speech which was much more gratifying to hon. Gentlemen opposite than many he has delivered during the last few weeks. I understand, indeed, that the violent antipathy which they have to him on financial questions subsides altogether when he comes to discuss church rates. The right hon. Gentleman complained of the harshness of our proceedings. He said that if we threw all these parishes at once from what I call the Protective theory to the free trade theory, from the theory of compulsory support to a system of voluntary support—if we pitched them, as it were, off their ancestral platform, and put them in the more modest place which Dissenting congregations now occupy—we should act with great harshness and severity towards them. I admit, for the sake of argument, that there is something in that, though I do not think there is; but, supposing the hon. Baronet the Member for Tavistock were asked to introduce words by which his Bill should not come into operation until after the lapse of three or four years—supposing the Chancellor of the Exchequer could step in now, with his church sympathies, and his wise and intelligent views on questions generally, and propose to mediate between the two sides of the House in the manner I have just suggested—what would be the result? I speak with no authority, but I do not think the hon. Baronet would object? and I know too much of those who are in correspondence with him out of the House to believe that they would make any serious objection to what might prove an amicable settlement of this question. I am prepared, of course, to vote for the Bill; but I say that if you wish to settle this question on different terms; if you are willing to pass a clause which shall withdraw the compulsory power of levying a rate, leaving your present machinery in other respects as it stands; if you are desirous that the Bill should not come into operation for three or five years—in either of these cases, I think we might even this Session, arrive at an amicable, if not an unanimous termination of this contest. What are we proposing to do? First of all, we exempt all men from the legal obligation of paying church rates; and, in the next place, we enable all men, who choose to support the fabrics and the services of the Church, to do so by means of the machinery which now exists. I cannot see that there would be the slightest difficulty as to the working of it, and I am quite sure there would be no difficulty as to the pecuniary results. Hon. Gentlemen opposite evidently think —I see it from the smile of incredulity on their countenances—that such as I am cannot make a friendly suggestion to their party or to the Church. If they had taken more of my advice years ago they would have had fewer irritating contests and humiliating defeats. If I could bring before them all that their own Church has done during the last fifty years, they would feel it to be the direst insult which could be offered to them for any man to say, that in any parish throughout the country, the beautiful and ancient parish church would not be properly maintained if the rate were abolished. I cannot turn to any part of the kingdom—I care not whether it be in England or Wales, in Scotland or Ireland—without seeing what has been done by appealing to men's feelings, by evoking their religious sympathies, by exciting their ideas of independence, and even by encouraging the much lower feeling of rivalry. Appeal to the feelings under which all men act, withdraw the law, and the Church will spring from the low ground on which, in this matter of compulsory rates, it now rests, to an altitude which it has never yet attained; and in the course of a few years there is not a Member on the other side, not even the hon. Member for North Warwickshire, who will not admit that the Church he loves so well and defends so ealously, has found in me, and such as me, the best friends she ever had on the benches of the House of Commons.

Mr. CROSS said, he rose to explain to the hon. Member for Birmingham that his plan was not a mere abstract proposition, but was embodied in the form of a Bill, and ready to be laid on the table of the House.

Mr. HUBBARD said, the hon. Member for Birmingham had talked of the difficulties of settling this question, but he wished to know who had created those difficulties. Hon. Members on his (Mr. Hubbard's) side of the House had offered one measure of conciliation after another; they had first proposed a measure of exemption, which he admitted was objectionable in matters of detail, as it required a Dissenter to go before a magistrate and make a declaration of his belief; it was afterwards proposed to accept a simple declaration of objection as a ground for objection; but all those successive plans were objected to. There must be some secret reason for rejecting these repeated offers of conciliation. The hon. Member for Birmingham told them that the difficulty lay in the supremacy assumed by the Church in claiming the right to levy church rates. But that objection to the supremacy of the Church went to deeper questions than the mere levying of church rates; it touched the question of a Church establishment; it struck, in his opinion, at the position of a Sovereign on the Throne. He felt sure that the question would not be settled till hon. Gentlemen on the opposite side did their parts as hon. Gentleman on his side were doing theirs, and would agree to a basis of arrangement founded on a recognition of the Church and of the great principle of civil and religious liberty, and which would respect alike the rights of Churchmen and Dissenters.

Mr. STANSFELD said, that the question had been discussed rather as one of policy than of principle, and in the few remarks that he should make he would endeavour to continue it upon the same grounds, for the question of principle having been granted the question of method was the only one which remained to be solved. In approaching the subject, although he had not arrived at the same conclusion as the hon. Member for Maidstone (Mr. Buxton), he had not been influenced by partisan feelings, but by public considerations, and the conviction at which he had arrived was that hon. Members on his side of the House, in reference to the measure before them and others of a cognate nature had been making claims upon the Church, each one of which, if conceded, would be a weapon taken from the hands of those who were supposed to seek the destruction of the Establishment; and that, on the other hand, the policy which had been pursued by the advocates of the rate was one which, more than anything else, was calculated to raise the question which he and his friends had not raised in that House—the separation of Church and State. It had been said that those questions which in their inception were questions of conscience, had become questions of supremacy. He accepted that antithesis with the qualification that the question of supremacy had been added to that of conscience which still remained. But, besides that, it would appear that in the opinion of some hon. Members a great discovery had been made, with reference to the principles and objects of a society which had been in existence for many years, which had never concealed its objects, and which, no doubt, duly felt the obligation which it owed to hon. Members on the opposite side and noble Lords in "another place," for giving further publicity to those objects and principles. An attempt had been made to identify the advocacy of the present Bill with the name and with the principles of the Liberation Society. It had been said that all Dissenters who desired the abolition of church rates did so simply with the view of destroying the Church, and it had been argued that the abolition of church rates would be a step towards the destruction of the Church as an establishment. He denied the accuracy of the statement in point of fact, and he disputed the soundness of the argument. The name of the Liberation Society had been imported into the discussion upon two different occasions by the noble Lord the Member for Stamford (Lord R. Cecil). On one occasion the noble Lord hoisted the flag "No surrender," but on that occasion he had come down to the House and attempted to play the part of a conciliator, and said, "We believe we were mistaken in charging you with advocating the views of the Liberation Society; prove that to us by accepting the compromise which we have put on the table of the House." But for the interests of the Church herself it was essential that a broad distinction should be drawn between the question of an objectionable and unnecessary supremacy—which the supporters of the Bill had raised—and the question of the separation of the Church from the State, which the supporters of the Bill had not raised. There was a time in the history of the country when the Church and the nation were as one. The Reformation took place, and then, step by step, came the recognition of the right to dissent from that which was itself an act of dissent. Toleration, beginning as a protest of the moral against the intellectual man, gradually rationalized itself until it merged into a claim of equal right; and now it would not only be an act of simple justice to Dissenters, following out the principles of legislation by which we had been guided since the Toleration Act, but it would also be an act of true wisdom as far as her own interests were concerned, if the Church were fearlessly, and of her own motion, to divest herself of every power and faculty which was not absolutely and strictly essential to her character as an establishment, and to place herself in accordance with the spirit and ideas of the age. It would be seen that the question of supremacy, viewed in the light in which he had placed it, was totally different from the question of separation, which some hon. Gentlemen had endeavoured to import into the discussion. The idea of separation was based, not upon any claim of civil and political right, but upon a belief that it was pre-eminently for the interests of religion that it should be free from the trammels of a connection with the State. No scheme of compromise had been, or could be, submitted to the House which would not be objectionable to Dissenters, and which they would not regard as degrading. He believed, indeed, that all schemes of compromise were vain, mischievous, and dangerous. In saying they were vain he agreed with the Chancellor of the Exchequer, who had admitted that it would be useless to offer as a boon that which the organs of the party to which the offer was made chose to consider an offence. In saying they were mischievous, he agreed with the hon. Member for North Warwickshire, because he believed they would tend to perpetuate and intensify those dissensions and that antagonism which the House ought to endeavour to assuage; while, in saying they were dangerous, especially to the Church, he agreed with the noble Lord the Member for the City, who had declared that any plan for the exemption of Dissenters would denationalize the Church and reduce her to a sect. Compromise, therefore, was impossible, and he believed that Churchmen would before long arrive at a knowledge of the fact. He could not avoid coming to the conclusion, on those grounds, that hon. Members had no alternative between the present unhappy state of things and the measure now before the House; that if they would look boldly and steadily into the face of the question, the visions which they themselves alone had conjured up would melt away; they would acknowledge that they had got rid of an element of weakness rather than of strength; the fabrics and the services of the Church would be maintained with a liberality hitherto unknown, and new life and vigour would be given to the Church which they desired to sustain.

MR. WHITESIDE: The hon. Member for Birmingham (Mr. Bright) objected to the speech of the noble Lord the Member for Stamford (Lord Robert Cecil) on the ground that it was not sufficiently conciliatory. Such an objection comes, no doubt, with peculiar appropriateness from the hon. Member for Birmingham, whose whole course of political conduct, all will readily admit, has been emimently conciliatory. Then the hon. Member for Birmingham objected to the speech of the hon. Member for Maidstone (Mr. Buxton). On what ground? Because he spoke the language of common sense, and called attention to the fact that the majority for the unconditional abolition of church rates, once sixty or seventy, was dwindling away, until at last it amounted to only eighteen, and by the way the hon. Member forgot to say that in the last division it had diminished still farther to nine; so that the energy and eloquence of the hon. Member for Birmingham have led to the gradual diminution of the majority by which this question has been supported. The speech of the right hon. Baronet the Secretary for the Home Department deserves more consideration than it has received. When the House is in difficulty it naturally turns to the Treasury Bench for instruction and edification. The right hon. Baronet commenced his speech by stating that the time was not far distant when the settlement of this question might fairly be expected. I was consoled on hearing that statement from the right hon. Gentleman, because I came to the conclusion that he was about to explain how and in what manner that satisfactory settlement could be obtained. He then proceeded to explain to the House the difference between a rate that would be universal and compulsory. There, with all respect to the right hon. Gentleman, I think he fell into a mistake, because, although a rate might not be general, yet, as far as it extended, it might be compulsory: and there would be no difficulty on that ground. The right hon. Baronet next insisted on the analogy between church rates and vestry cess in Ireland; but he admitted that the first thing the Legislature did on abolishing vestry-cess in Ireland, was to provide a substitute for the maintenance of the fabrics of the church. It may be a strong measure to abolish a certain number of Bishops, but as between the parish clergy and Bishops I give my vote in favour of the parochial clergy, and the fund obtained from a certain source was first and foremost applied to the maintenance of the fabrics of the church. That case surely affords no argument in favour of a scheme which professes to provide no substitute for church rates. Then the right hon. Baronet, greatly to my surprise, after having argued in favour of a compromise for a considerable time suddenly turned round and declared that he was about to vote for the measure of the hon. Member for Tavistock—a Bill for the unconditional abolition of church rates. The right hon. Boronet having declared that he felt constrained to give that vote, went on, with a logic peculiar to the Treasury bench, to take a survey of the plans proposed, with a view to compromise by my right hon. Friend the Member for North Wilts (Mr. Sotheron Estcourt) and others; and then, to my infinite astonishment, proposed a plan of his own; and having discussed all these propositions—having declared that the time was not far distant when a satisfactory settlement of the question might be expected—his logical conclusion was to vote for a Bill which goes entirely in opposition to all these plans and anticipations. It is absolutely impossible to reconcile his logic with his vote. I greatly prefer his speech to his vote; and I submit to his better judgment—it was his reason, and no doubt his conscience, struggling against the position in which the Ministry stand in reference to this matter—I appeal to the right hon. Baronet, as several plans have been proposed in favour of a conciliatory settlement of this question, to give us the benefit of his vote as well as of his speech, and not to vote for a measure which makes any or all of these plans impossible. The hon. Member for Birmingham has spoken a speech to my infinite surprise. He referred to the various plans which had been proposed; but none of them lead to the same conclusion he supported. Why he is a Saul among the prophets. He would let the matter stand over for three years. He admires the ancient and venerable fabrics of the Church—as who does not who is a Christian?—established as they were by a Christian people for Christian worship; he is half in favour of our case; he is willing to let it stand over to consider his own and other plans, yet he imitates the example—speaking with unfeigned respect—of the right hon. Baronet the Secretary for the Home Department, who has throughout the Session spoken, I must say, one way and voted another. The hon. Member for Birmingham dropped an expression which caught my ear as being very significant. He said this question was one deeper than money, and which the true statesman must consider. I perfectly agree with him. It is a question that goes deeper than money, and which statesmen are bound to consider. Accordingly, statesmen on both sides of the House have considered it. There is no desire to carry out any extreme course against conscientious Dissenters—although I have always a slight hesitation when I find conscientious objections verging towards the pocket—but I believe them sincere; and plans have been proposed on both sides for the satisfactory settlement of the question, yet the hon. Member joins with the right hon. Baronet in voting for a Bill which renders the adjustment of the question impossible. The hon. Gentleman who spoke last said this is a mere question of policy, and no principle at all is involved. I controvert that statement. It is not a mere question of policy. It is one of principle. The hon. Member who spoke of supremacy, and who said the question of the separation of Church and State had not been agitated—although he intimated that it might be raised—went broadly upon principle. We, too, contend for this question as one of principle, because from the earliest times the Christian Church has been interwoven with the State; the State has stood by the Church, and I believe the Church has taught nothing but Christianity. When it is said the separation of Church and State has not yet been agitated, a clever practical man like the hon. Member for Halifax would not, I am sure, be surprised to find it agitated. We have made no aggressive movement. We act generally in defence. The party with which he is connected is indefatigable. They make the aggression. But they have been opposed with a vigour and a power they were not prepared to meet, and the position in which this question stands to-day arises from the spirit and unanimity with which their attack on Church and State has been resisted. We are not in the position of assailants; we are not asserting any supremacy; but while we are for maintaining the old principle of the Constitution, and settling this particular question in the fairest and most amicable spirit, how are we met? By a direct proposition to abolish church rates, with an intimation that we ought to be very grateful that the great question of separation between Church and State has not been mooted. I shall conclude my observations with a few words expressing deep truths from a writer whose name is familiar to many hon. Members. The author of *The Book of the Church* says—

> "From the time of the Revolution the Church of England has partaken of the stability and security of the State. We owe to it our moral and intellectual character as a nation, much of our private happiness, much of our public strength. Whatever should weaken it would in the same degree injure the common weal; whatever should overthrow it would in sure and immediate consequence bring down the goodly fabric of that Constitution whereof it is a constituent and necessary part. If the friends of the Constitution understand this as clearly as its enemies, and act upon it as consistently and as actively, then will the Church and State be safe, and with them the liberty and the prosperity of our country."

Question put, "That the word 'now' stand part of the Question."

The House *divided:* Ayes 274; Noes 274:

And the numbers being equal,

MR. SPEAKER said, if the equality of voices had arisen in an earlier stage of the Bill I should have had no difficulty in the course I should pursue; because, guided by the rule which has been established by many able men who have preceded me in this chair, I should have desired so to vote as to give the House another opportunity of deciding the question for itself, rather than to have taken that decision into my own hands. But that rule does not prevail on the third reading of a Bill. We have now reached the third reading of this Bill, and I find that the House hesitates, and is unable to express a decision, whether this law shall stand or shall be changed. As far as I can collect the opinion of this House from the course of the debate, it seems to me the general opinion of the House is in favour of some settlement of this question different from that which is contained in this Bill, and I think I shall best discharge my duty by leaving to the future and deliberate judgment of the House to decide what change should be made in the law, if it should be their pleasure to make a change, rather than to take the responsibility of the change on any single vote. I, therefore, give my voice with the "Noes."

Words *added:* Main Question, as amended, put, and *agreed to.* Bill *put off* for three months.

House adjourned at Five minutes before Six o'clock.

HOUSE OF COMMONS,

Thursday, June 20, 1861.

MINUTES.] PUBLIC BILLS.—1° Windsor Suspended Canonries; Public Houses (Scotland) Acts Amendment; Metropolitan Police Force Pensions.

2° Salmon and Trout Fisheries; Public Works (Ireland) Advances and Repayments of Moneys; New Provinces (New Zealand); Offences in Territories near Sierra Leone Prevention; Voters (Ireland) (No. 2).

BOROUGHS OF GLOUCESTER AND WAKEFIELD.—QUESTION.

COLONEL SMYTHE said, he wished to ask the hon. Gentleman the Member for Finsbury (Mr. T. Duncombe), Whether it is his intention to proceed to-morrow (Friday) with the Motion of which he has given notice, relating to the Boroughs of Gloucester and Wakefield?

MR. T. DUNCOMBE said, his answer to the hon. and gallant Gentleman would depend upon the answer he should receive to the questions that he was about to put to Mr. Speaker. When he made his Motion he was under the impression that it was a question of privilege, and as such he should have precedence, and he intended to have brought forward his Motion on the resumption of the House at six o'clock. He now wished to know from Mr. Speaker whether he was entitled to take that course? He understood that an objection would be raised to his doing so, that a Resolution that had been agreed to by the House had annulled the Privilege portion of the question, and that, therefore, he must take it as a regular Motion in the course of the evening. Of course to bring on a constitutional question of this nature after twelve o'clock would be an act of folly, and if Mr. Speaker decided against him, his answer to the hon. and gallant Gentleman was that he (Mr. T. Duncombe) must seek some other opportunity.

MR. SPEAKER: Since 1848 it has been the settled practice of the House that, where a seat has been declared void on the ground of bribery and corruption, no Motion should be made for a New Writ without previous notice, and it has been held that a Motion for a New Writ under these circumstances is not entitled to precedence on the ground of Privilege. The very essence of Privilege is that a Motion may be made without notice. This, however, has been the practice of the House for many years, and has been acted on in the case of Berwick-on-Tweed, Rye, Maidstone, Chatham, Harwich, and Durham, in the years 1853, and in 1857 in the case of Galway and Mayo. I must, therefore, adhere to the established practice of the House; and must state that the hon. Member cannot claim the Privilege of precedence in making his Motion. The Motion must be made, as has been done in former cases, by notice, and then taken in its due course.

CASE OF MR. KING HARMAN.
QUESTION.

MR. LAWSON said, he would beg to ask the Secretary of State for the Home Department, Whether it is true that Mr. King Harman was, on the 12th of June, committed to the House of Correction for ten days, but was liberated by a Warrant from the Home Office before the expiration of his sentence, and contrary to the advice and opinion of the committing magistrate; and if so, whether the Secretary of State for the Home Department has any objection to state to the House the grounds on which he recommended Her Majesty to exercise Her prerogative of pardon?

SIR GEORGE LEWIS: Sir, it is not usual to ask for the grounds upon which a recommendation is made to the Crown for the exercise of the prerogative of mercy, and I am very reluctant to enter into any case of this nature. But I will state to the House that Mr. Harman was brought before a magistrate in London and charged with having created a disturbance at Cremorne Gardens on the night of the Derby day. He was fined by the magistrate after a remand of a week, and bail having been refused, he had suffered imprisonment for five days. The magistrate thought that justice required that a second information should be laid against Mr. Harman, on account of the same transaction for resistance to the police. That was not the opinion of the police authorities, who did not think a second information need be laid. However, the second one was laid, and the magistrate convicted on it. There was no question of any violence used or blows struck. The person was rescued from the custody of a policeman—merely drawn from his custody without violence being offered. The magistrate sentenced Mr. Harman to ten days' imprisonment. An application was made to me on account of what was considered the unnecessary length of the sentence. It appeared to me that after he had undergone two days' imprisonment, the justice of the case was sufficiently met, and I directed him to be liberated.

SLIGO WORKHOUSE.—QUESTION.

MR. M'EVOY said, he wished to ask the Chief Secretary for Ireland, Whether his attention has been directed to a Resolution passed by a majority of the Sligo

Board of Guardians, respecting two children named Caulfield, in the Sligo Workhouse, and who had been registered Protestants, though their parents were both Catholics?

MR. CARDWELL said, he had not yet received the papers from Ireland, for which he had written, and, therefore, did not possess the requisite information.

ARMY—GRANT'S COOKING APPARATUS.—QUESTION.

GENERAL BUCKLEY said he rose to ask a question of the Under Secretary of State for War—the *Adelaide* transport took out to China, by order of the Secretary of State for War, Captain Grant's cooking apparatus, sufficient for 5,000 men, in order to test its efficiency for troops in the field; the waggons were never landed, though three written applications were made by Captain Milward, who had the charge of them—Whether the *Adelaide* did not take them to Hong Kong, and whether they are in use there now?

MR. T. G. BARING said, that Sir Hope Grant had informed him that he did not think it necessary to land the apparatus referred to. He could not say whether they were at present in operation.

ADMINISTRATION OF JUSTICE.

QUESTION.

MR. BANKS STANHOPE said, he would beg to ask the Secretary of State for the Home Department, If it is the case that Thomas Richardson, who was convicted at the Winter Assizes at Lincoln of the wilful murder of Police Constable M'Brian, there being, in the opinion of the Judge, no extenuating circumstances and no provocation, had his punishment of death commuted to penal servitude, the presiding Judge not having been consulted by the Home Secretary? If it is the case that the Chief Constable for Lincolnshire then pointed out to the Quarter Sessions and to the Home Secretary the danger of this course of proceeding, and the probability of future attacks on the Police; and if it is the case that the Chief Constable has lately officially informed the Home Secretary that a Police Constable has again been fired at?

SIR GEORGE LEWIS said, he felt it necessary to answer a question as to the remission of a capital punishment with great reserve, because it was obviously inconvenient, and much to be deprecated, that it should be made the subject of discussion in that House. The outline of the case was as follows:—A poacher returning at night with a loaded gun was challenged by a policeman, at whom he suddenly discharged one barrel, and then, throwing down the gun with one barrel loaded, made off. At the end of a fortnight the policeman died from the effects of the wound. It was clear that this was not a case of premeditation, and it was doubtful whether the person who fired the gun anticipated the fatal effects which ensued. Richardson returned to his work, and did not attempt any concealment. After conviction strong representations were made to him on behalf of the prisoner. There was a petition for a remission of the sentence from Boston, in the neigbourhood of the place where the affair occurred, stating that the act was not one of deliberate murder, and that Richardson had resided at Wyberton for twenty years, and was generally regarded as a very industrious man. That petition was signed by the Rector of Wyberton, by several of the magistrates, including the committing magistrate, and upwards of 200 persons, mostly tradesmen in the neighbourhood. Soon after another petition to the same effect was received from Lincoln, with upwards of fifty signatures, among which were the names of several magistrates. There was no dispute as to the facts of the case, and, therefore, no necessity for any reference to the Judge. In the exercise of his discretion he thought it desirable to recommend Her Majesty to commute the capital sentence to one of penal servitude for life. About a month after the respite had been granted the chief constable transmitted to him by desire of the magistrates his quarterly report, in which he set forth the disadvantages which in his opinion would accrue from the commutation of the sentence, and he had subsequently sent a letter to the Home Office calling attention to the fact that a stone had been thrown and a gun loaded with shot fired through the window of the dwelling of a police constable. No damage, however, had been done to the man, and it did not appear that there was any intention of taking his life.

BANKRUPTCY AND INSOLVENCY BILL.

QUESTION.

MR. VANCE said, he would beg to

ask Mr. Attorney General, If he will fix a day on which to move that the Lords' Amendments on the Bankruptcy and Insolvency Bill be taken into consideration?

THE ATTORNEY GENERAL: Sir, I will now state what I intended to say the other evening. I have had no opportunity of fully considering those Amendments myself, or of submitting the effect of them to Her Majesty's Government. I think that a certain time should be allowed the country to give its opinion upon the nature of those Amendments. They were discussed, as the House is aware, in a Secret Committee; and under those circumstances I cannot fix a day, but it shall be as early as possible, and any course which I shall take will be dictated entirely by views of public utility. The Bill, as amended, is ordered to be reprinted; so as to show the extent of the Amendments.

TEMPORAL DOMINIONS OF THE POPE.

QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the noble Lord the Secretary of State for Foreign Affairs, Whether he has received any account that the Senator Heckeren has lately arrived at Paris from Vienna as the bearer of a secret and confidential proposition from the Emperor Francis Joseph to the Emperor Napoleon, to the effect that the two Emperors will co-operate to form an independent Army for the protection of the temporalities of the Pope, and will engage to prevent Piedmont from entering the States of the Church; and whether a Letter, published as from Baron Ricasoli, is authentic, in which, without denying the report, he is stated to say, "I am confident we shall checkmate all intrigues; my inflexibility and calmness are equal to the right which I defend"?

LORD JOHN RUSSELL: I cannot say that the Foreign Office has received any information to this effect, but I should not be giving a complete answer to the question of the hon. Gentleman if I were not to state that I have received a communication from the French Ambassador in London, informing me that a proposal has been made to the French Government by the Austrian and Spanish Ambassadors in Paris, in general terms, that the Roman Catholic Powers should act in concert with regard to the temporal power of the Pope. There was no mention of armies, or of protecting by arms the temporalities of the Pope. It was a general proposal, and to that proposal an absolute negative was given by the Government of France. I may, perhaps, state that the ground on which the proposition was refused was that the general arrangements with regard to the temporalities of the Pope were settled at Vienna by Great Britain, Prussia, and Sweden, as well as by the Roman Catholic Powers.

EAST INDIA COUNCIL, &c., BILL.

COMMITTEE.

Order for Committee read.

MR. BRIGHT said, he had to present a petition of considerable length from the inhabitants of Madras, European and Native, stating that, in the opinion of the petitioners, the time had come for the introduction of the representative system with advantage to the institutions of the country. They called attention to the fact that before 1833 the Presidencies of Madras and Bombay had greater powers than since that time, and they prayed that those powers might be restored. In point of fact the petition, though drawn up before, went in the same direction as the Bill of the right hon. Gentleman. He also wished to present another petition from Bombay, bearing the signatures of many hundreds of the Native inhabitants of that city and island, who complained of the extravagant expenditure of the Indian Government, the onerous nature of some of the new taxes; and also, that the Presidencies had not sufficient power over their own local taxation. They prayed the House to pass a Bill in the spirit to which they referred. Those petitions had been sent over here, and ought to have been presented in the last Session, but they had not reached him till within the last two days.

SIR HENRY WILLOUGHBY said, he wished to ask whether the Secretary of State for India in Council had under consideration any scheme for reducing the salaries of the higher officers in India, beginning with the Governor General? He felt convinced that in the present state of the finances of India the adoption of some such change was absolutely necessary.

SIR CHARLES WOOD said, that the question of the regulation of the salaries of the higher officers of the Indian Civil Service was under the consideration of the Indian Council; but that, in consequence of the great pressure of important business, they had hitherto been unable to enter into the details of the question.

Mr. VINCENT SCULLY said, he wished to express his surprise that some Gentleman acquainted with India had not risen to move that these Bills be referred to a Select Committee. He thought it very unfortunate that a Bill with regard to India should be brought forward here, and pressed through the House, which was almost as ignorant as he was himself upon these subjects. He had seen enough of Bills relating to Ireland—a subject with which he was acquainted—to know that they were greatly improved by the process of passing through a Select Committee. He considered the High Court of Judicature Bill to be both mischievous to the population, as it now stood, of India, and extremely unjust to the Judges. He saw great inconvenience in the separate discussion of these Bills, and, therefore, he should move that the first of them be referred to a Select Committee.

Mr. H. BAILLIE said, he hoped, if there was to be any reduction in the salaries of the high Civil servants in India, that the higher branches of the Military Service would also be subject to revision. The sums which were paid in the high Military Departments of India were quite monstrous. The Commander-in-Chief in India had a salary of not less than £19,000 a-year when on service. He received the double salary of a Member of the Council, his military salary, and also an extra salary when he went on active service. His ordinary salary was £14,000 a year, which was increased by £5,000 a-year more when he was on active service. Such a sum was perfectly monstrous at the present day.

Mr. SLANEY was understood to say he hoped the claims of the Naval Service in India—a most meritorious body—would be taken into consideration by the right hon. Gentleman.

House in Committee.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Acts and parts of Acts repealed),

Mr. AYRTON said, he rose to move as an Amendment to add to the clause the repeal of the Act of the 5 & 6 *Will.* IV., c. 52, and of sections 15, 16, 17, and 19 of the Act 16 & 17 *Vict.*, c. 95, in order to revive the Act 3 & 4 *Will.* IV., c. 85, for establishing separate governments at Calcutta and Agra. The clauses to which he referred were those portions of the existing law which suspended the action of the so-called charter of 3 & 4 *Will.* IV., by which provisions were made for a separate governor in council at Calcutta, and another at Agra. The Amendment was very simple in form, but the question involved in it was one of the very highest importance to the government and people of India. He should almost think it necessary to apologize to the House for bringing forward the subject, were it not that the reproach had been frequently thrown out that the House of Commons was in the habit of slurring over Indian questions. He (Mr. Ayrton) had always been an advocate of the proposal that the Secretary of State for India should be met face to face by an efficient Council. That measure had been adopted, and they were now reaping the fruits of it. One of its results was that the Secretary of State had invited the House to reconstitute the Indian Government. But the first question which stared them in the face was the one which had been raised with so much ability by the hon. Member for Birmingham—could there be an efficient Government in India as long as the control of affairs remained in its present divided footing? As the first step towards improved administration in India, it was necessary that there should be district Governments, and that each should not have under its charge a greater amount of territory than it could conveniently and efficiently administer. When he was in India no one there seemed to be able to account for the system on which we acted in concentrating the management of the whole of the affairs of India in the Government of Calcutta. It was said, indeed, that it was owing to the administration lying in the hands of what was called "the Calcutta clique." He did not join in that statement; but he mentioned it for the purpose of showing that the system was so unsupported by any good grounds that persons were forced to account for it by an imputation. The portions of India for which he asked a distinct administration stood in much greater need of it than did either Bombay or Madras. The Bengal provinces contained a population of 37,000,000, subject to what were called "Regulations." That was to say those 37,000,000 were people for whom legislation took place in a similar manner to that in which legislation took place in this country for the people of England. In addition there were 3,000,000 in what were called the "non-regulation provinces." He was afraid that the distinction between "regulation" and "non-regulation" provinces was not very generally understood; but he thought it was this—that in the "regulation provinces" there was law, to which every one could appeal in asserting his rights, as between man and man, or in regard of the Government of the British Crown; but the "non-regulation provinces" were unhappy districts which the Government had pronounced to be unfit to enjoy any system of established jurisdiction, beyond the despotic rule of the Governor General. There there was no established law; and no man could say he had any rights at all except at the will of the Governor General. No doubt the absolute power of the Governor General was to some extent modified by the wisdom of successive governments, but the principle remained the same. Thus there were 40,000,000 of people in the Bengal provinces, which yielded also a gross revenue of nearly £13,000,000 sterling. Now, he contended that whatever might be the ability, or the assumed or imagined ability, of any man in India, it was quite enough for one man to rule over 40,000,000 of people, and to manage £13,000,000 of revenue. The interests of the people and of good government required that these provinces should be made a separate and distinct administration. He would next pass to the north-west provinces. They had there a population of 30,000,000 of people in the regulation provinces, and of 3,000,000 in the non-regulation provinces, making a total of 33,000,000 with a gross revenue of £5,700,000. There, again, there was a charge so extensive as to demand the undivided care and responsibility of a separate government. It would be an argument for his proposition if it could be shown that these subdivisions were greater than some of the existing presidencies. The Presidency of Madras was said to contain 20,000,000 of people in the regulation provinces, and 2,500,000 in the non-regulation provinces, with a revenue of £6,500,000. The Presidency of Bombay had 9,000,000 of inhabitants in the regulation and 2,700,000 in the non-regulation provinces, and its revenue was £7,200,000. If, with such populations and revenues as these, it had been found necessary to have these two Governments of Madras and Bombay, it was quite obvious that in the case of a population of double the amount, with a revenue nearly double, it was equally necessary and more desirable. Let not the Committee suppose that if the subdivision were made there would be no duties left for the Governor General to perform, because there would remain to him an amount of duty and responsibility sufficient to make a wise man start with alarm before undertaking its duties. He would still have 23,000,000 of people subject to his control; he would have to supervise the affairs of the Native States connected with the British Government, possessing a population of 48,000,000; he would have to look after the revenue of the British provinces and after the revenues of all the Native States that the British Government had bound itself to maintain in their rule over their Native subjects—which comprised a population of 71,000,000 of people, producing £7,000,000 of direct taxation, and many millions of indirect revenue belonging to those Native States. But such was the love of power that they had been unable to get the Government to consent to the establishment of additional government, on the ground that it would interfere with the free action of the Governor General. Parliament, however, was invited to consider the subject at a time when it made the most comprehensive and searching investigation that had ever taken place into the administration of Indian affairs—he meant before renewing the charter in 1834; and the result of all that investigation and the deliberation that ensued upon it was, that it would contribute to the good government of India at once to establish two distinct governments upon the basis of the governments of Bombay and Madras—one for Calcutta and the north western provinces, and the other for Bengal and Agra. That was the deliberate judgment of Parliament at that time, and it was embodied in the statute, which contained also all the requisite provisions for carrying it into effect. But after a year or two the subject was considered in Calcutta, and a despatch was written, which was laid upon the Table of the House, suggesting that it would be undesirable to carry that Act into effect. He had read that document as well as the other documents on the subject, and it struck him that they were singularly deficient of any reasons against giving effect to the deliberate legislation of the House of Commons. The Government of the day, however, proceeded in what he would call a mild and gentle manner, by asking the House to suspend the operations of the

Act. The House acquiesced in the course proposed, and from that day to the present the Act to which he referred never came into operation. Now, he wished to put an end to that state of suspension, and to give effect to the Act which had previously passed. It was, no doubt, the easiest thing in the world at any time to conjure up an immense amount of difficulty, if it were thought desirable by certain parties to prevent a measure coming into operation in India. He had seen many occasions in which such difficulties were set before their eyes. But he had also found that on a minute examination of the facts of the case in question those difficulties generally faded away. If there had been difficulties in the way of carrying the Act into effect, they rather arose from the position of the Government having to deal with a Court of Directors and Board of Control, from the interests of the Civil Service in India, which was the child of the Court of Directors, and from the state of the army, which was in the last degree unsatisfactory. But the alteration that had now been made in the Home Administration, in the Civil Service, and in the organization of the army, and in other important matters, had entirely removed all the difficulties which were formerly suggested as being in the way of giving effect to the Act of Parliament. He did not believe there was any real objection to the Act coming into operation, and that being the case, the great question came before them, whether it was not their imperative duty to provide for a population of 40,000,000 an efficient local administration—whether they ought to leave such a population the sport of circumstances, as they had done during the last twenty-seven years of their Indian Administration? Hitherto these people had been left to the casual rule of a Lieutenant Governor—they had never experienced the advantages that other presidencies had had of having regular governors sent out direct from this country, but had been placed in an inferior category, which he believed had been very prejudicial to the interests of their inhabitants. He admitted the advantage of having an organized Civil Service identified with British interests in India ; but if they wished to have a province in India well governed, the man at the head of that province should be an independent ruler, sent direct from this country. The first duty of such a governor was to hold a firm hand over the Civil Service, and when necessary to stand between them and the other classes in India. But, however able a man brought up in the Civil Service of Bengal might be, when he left the *secrétariat* and entered upon the office of Lieutenant Governor he did not assume the government under conditions favourable to a sound administration, but rather under conditions most unfavourable to an efficient administration, and the maintenance of that authority and influence which he ought to possess. If there had been a British Governor in Bengal, as in Bombay or Madras, he did not believe they would have heard one word of those indigo transactions, which had been so deplorable in their results. At a time when they saw people in this country anxious to employ their capital in India, and saw that this involved a question pregnant with results important to the industry of this country, they were bound to consider what was likely to induce British subjects to settle in India, and what was requisite for their security when there. If they did not get from India those products which she was so well able to raise, such as corn, cotton, indigo, &c., they could not hope for those remittances to this country that were so necessary for the maintenance of Indian credit. It was essential that Bengal should have a local Legislative Council. Whatever, indeed, was necessary for good government in Madras or Bombay was equally desirable for Bengal, and it would be an object of great importance to emancipate the Governor General from the local administration of affaris in Bengal. There was only one other point to which he wished to refer in support of his Motion, and that was the great commerce of Bengal even as compared with Bombay and Madras. The exports of Bengal were year by year increasing, and had now attained a magnitude which a few years ago none could have anticipated, and with these great interests involved, he placed the question before the right hon. Gentleman as one of paramount importance. Every one with whom he had conversed upon the subject acquiesced in the necessity of the step. Terrified indigo planters looked upon it as essential for the protection of their interests; the Natives had always demanded it; while he thought the personal interests of the Civil Service were no longer to be looked to as the first consideration in regulating the affairs of India. Military interests were also now made subservient to the interests of the nation, and he trusted the right hon. Gentleman would give his consideration to the matter, and upon his own responsibility propose the repeal of the suspending Acts that had been passed, and give to these great populations that which was a necessary condition of their future good government, and which he believed was absolutely necessary if they did not want a recurrence of those proceedings ending in mutinies such as they had had before. He proposed in line nineteen to add the words "the Act 5th and 6th *Will.* IV., cap. 52, and sections 15, 16, 17 and 19 of the Act 16th and 17th *Vict.*, cap. 95."

SIR CHARLES WOOD said, he had listened with great pleasure to the speech of the hon. Gentleman, but he had scarcely been able to collect the object of his proposal. The hon. Gentleman said it was essential to the interests of India that there should be a local Legislative Council in Bengal and a fixed Governor in Bengal, as in the other presidencies. But there had been for many years a fixed Lieutenant Governor for Bengal. The Executive Government of Bengal had long been separated from the Government of India, and the Bill now proposed to give a separate legislative organization to Bengal. Therefore, the main object which the hon. Gentleman appeared to desire was attained by the Bill before the Committee. The difference between the hon. Gentleman's proposal and that of the Government simply amounted to this, that instead of a Lieutenant Governor appointed by the Governor General, who was always a member of the Civil Service of India, the hon. Gentleman wished there should be a Governor sent out from this country, who might or might not be a civil servant of India. The difference being so inconsiderable, it might be said that the general tenour of the hon. Gentleman's speech had been in support of the Bill. He concurred with the hon. Gentleman in approving the separate local administration of Bengal. When he had the honour of being President of the Board of Control he introduced the Bill of 1853 in which he provided for the appointment of a Lieutenant Governor of Bengal. The hon. Member was, therefore, incorrect in saying that for thirty years the affairs of Bengal had been administered by the Governor General. The non-regulation provinces had nothing to do with the administration of Bengal. Many of them had been administered as admirably as the provinces in any other part of India. He believed that the administration of Sir John Lawrence in the Punjab and of Mr. Thomason and Mr. Edmondson in the North Western Provinces had been as good as that of any other district of India. Take also the case of Oude, which, in two years under the administration of Sir Robert Montgomery and Mr. Wingfield, from a chronic state of war and bloodshed had become as tranquil as any portion of Indian territory from Cape Comorin to the Himalayas. The hon. Gentleman had, he thought, done injustice to the administration of affairs in our non-regulation provinces. That administration had, moreover, very little to do with the hon. Gentleman's proposal, seeing that it was confined to the administration of Bengal and the North Western Provinces, which were not non-regulation provinces. He also concurred in thinking it most desirable that the Governor General should be relieved from the local cares of a portion of India, and should be able to devote his attention more exclusively to those general questions in which there was ample scope for any amount of exertion and ability he might possess. But the tendency of all recent legislation had been to separate the Governor General from the exclusive influence of the Bengal Civil Service. That object had been so far attained that for a short time there was not a single member of the Bengal civil or military service in the Governor General's Council. That Council, no doubt, ought to consist of Members summoned from all parts of India, and conversant with the wide and varied interests of that country. With the general view of the hon. Gentleman he entirely agreed, but he was not prepared to take upon himself at present to re-establish in Bengal and in the North Western Provinces governors upon the same footing as the presidents of Madras and Bombay. He did not mean to say that the time might not come when such a measure would be expedient, but there had been a good deal of reference in these discussions to the finances of India, and he was not prepared at present to impose any new charge upon the revenue of India which was not necessary for the due administration of its affairs. The staff of a Governor would necessarily be more expensive than that of a Lieutenant Governor. The question could not be considered except in connection with, perhaps, the more important question of the transaction of the seat of government from Calcutta to some other part of India. He did not mean to say that this might not be desirable some day, as there were many reasons in favour of placing the seat of government within nearer communication with this country. There were, however, various difficulties in the selection of another place for the seat of government; and he did not think that it would be desirable to carry the changes now being made further at present, or to raise difficulties beyond those which must necessarily be encountered. He had written to the Governor General to suggest to him whether the course now recommended by the hon. Gentleman would be desirable, and his reply was this:—He was not prepared to say that it was a proposal to be at all times negatived, but that we should not at present go beyond what was proposed in the Bill—namely, to give the Lieutenant Governor of Bengal power to summon councillors of the Civil Service, and other persons not in the service, both Europeans and Natives to aid in the legislation for Bengal. If the Governor General were to sit with his Council in Calcutta, and the Governor of the Presidency to sit with his Council, also, there would be two independent authorities; jealousies would arise, and that he thought was a great objection to the proposition. But if the seat of Government were taken away from Calcutta, he thought it should be fixed in some central place where there was no Governor. He did not think they were ripe for that yet. Concurring with the hon. Gentleman in the expediency of having a separate executive and legislative authority in Bengal, which was provided for in the Bill; concurring with him also in the expediency of a separate Government for the North-Western Provinces, he was not prepared to go the length of repealing these clauses, which suspended the power of creating separate presidencies in Bengal and Agra, the effect of which would be to constitute these in the same manner as the presidencies of Bombay and Madras were constituted. Having consulted with the Council he came to the conclusion that for financial and political reasons it was not desirable to take a step of so much importance at present. He, therefore, trusted that the hon. Member would not press his Amendment to a division.

MR. DANBY SEYMOUR said, he agreed in much that had been said by the hon. Member for the Tower Hamlets, but his Amendment would more properly come on when the 44th Clause was under discussion. He believed it would be of great advantage to have more councils in India. For thirty or forty years recommendations had been made by the very highest authorities that Central India should be formed into a separate Government. Metcalfe recommended it; so did Malcolm; so did the present Governor General. He also thought that if a governor were appointed from this country in Agra, with a council consisting of Natives and Europeans in equal proportions, such an arrangement would be advantageous, and would cause the Natives to become better accustomed to the British rule, especially if the council was a mere consultative one—a kind of durbar. In the case of Scinde and the Punjab the subject of uniting the two had been considered, and the union of the two with a separate government had been recommended, and it was thought best to assimilate it to Madras and Bombay. His objection to the Amendment was that there existed at the present moment power in the Secretary of State, who succeeded to the powers of the Court of Directors, to constitute Agra into a new presidency, with a governor, but not a deputy governor.

MR. W. E. FORSTER said, he concurred in the general views expressed by the hon. Member for the Tower Hamlets, though, perhaps, there would be hardly time to embody them in an Act. There was a great deal of force in the argument that it might be desirable that the Lieutenant Governor of Bengal should not be a member of the Civil Service. One of the greatest problems to solve was how to tempt Englishmen over to India to invest their capital there, and at the same time to treat the Natives with the greatest justice and forbearance. Differences of opinion existed with reference to the official and non-official classes in India. It was not for him to say which class was right, though he confessed that with respect to the indigo question he thought the official class in India was right, and that the steps which had been taken were demanded by justice, and would result eventually in the advantage of the non-official class of British cultivators in India. But, however this might be, it was essential for the continuance of proper relations between the two classes that there should be perfect confidence in the impartiality of the Government. He, therefore, thought that it would be a great benefit if the Government at home were able to appoint a Lieutenant Governor for Bengal; and he suggested that, if such power did not exist already, a clause should be introduced giving the requisite authority to the Secretary for India.

Sir CHARLES WOOD said, his impresssion was that he had the power under the 16th Clause of the Act to make the appointment of a governor who was not of the Civil Service; and if he did not make the appointment, then the Governor General might appoint a lieutenat Governor, who must be a member of the Civil Service.

Lord STANLEY said, the expediency of sending out a Governor from home, or empowering the Governor General to appoint a Lieutenant Governor, was a question the solution of which appeared to him to depend very much on the circumstance whether a Native or European population existed to the greater extent within the district to which the appointment was to be made. In his opinion, a Lieutenant Governor would be found preferable in the former case, inasmuch as he would in all probability be selected from a class of men who had Indian experience, and were versed in Native customs and habits. In the Punjab and the North-Western Provinces, therefore, a person who had an Indian training would make the best Governor. In those instances, on the contrary, in which a European population had to be dealt with, it was well known that a Native training was not the best to which a man called upon to govern it should have been subjected. If, he might add, the hon. Member for the Tower Hamlets pressed his Amendment to a division, he should be obliged to vote against him, while he concurred in many of the arguments he had advanced. The proposal to constitute two new Presidencies was, he thought, one of too much importance to be decided by a hasty vote in a thin House, particularly as the matter had not been duly considered in India, and as no opinion with respect to it had been pronounced upon it by the Governor General, and as it had not been discussed by the Secretary for India in Council at home.

Mr. BRIGHT said, the Committee was much in the position with respect to the question at issue in which hon. Members had found themselves the day before, when everybody agreed that some settlement of the church rate question was desirable, but could come to no definite arrangement as to how that settlement should be carried into effect. The Secretary for India concurred in the main with the hon. Member for the Tower Hamlets; the hon. Member for the Tower Hamlets said he (Mr. Bright) had forcibly expressed the same view of the subject on some previous occasion. The hon. Member for Poole (Mr. Danby Seymour) also agreed with the hon. Member for the Tower Hamlets, and he thought the hon. Member for Bradford (Mr. Forster) agreed with them all. He (Mr. Bright) had no intention of differing with any one, except by suggesting a mode of doing what was wanted more conveniently than by the means which had been suggested. It was raised upon the part of the Government as an objection to the establishment of a Governor at Calcutta that he and the Governor General would, as it were, be in the position of the two kings of Brentford, and that Parliament would ultimately be called upon to extirpate one or the other, owing to the circumstance that they would come into collision. But if the right hon. Gentleman would turn to Clause 44, he would find that it was proposed, when the Secretary of State for India thought fit, to give the Governor General the power to apply this Act to the Presidency of Bengal, though not to establish exactly the same kind of Government which existed or was to exist in Madras and Bombay. Now, what he asked the right hon. Gentleman to do, and what he believed would meet the case, was to give the Governor General power to establish exactly the same kind of Government in Bengal as would be given by the Bill to Bombay and Madras. If some words were left out, he thought the difficulty would be met. As to the office of Governor General itself, he would simply say that he was not in favour of such functionaries in India, believing them, as he did, to be, generally speaking, great nuisances; but if it were deemed necessary that there should be a Governor General, he might, he thought, be located in some place more central, more healthy, and where he would be less likely to interfere with the population of the Presidency of Bengal, than Calcutta. He should not recommend the hon. Member for the Tower Hamlets to divide the Committee on his Amendment, while he should repeat the suggestion that by an alteration of the 44th Clause power might be given to accomplish that which he sought to effect when the most advantageous moment for doing so arrived.

Mr. VINCENT SCULLY said, he believed that the best way of dealing with this and all similar questions was to refer them to a Select Committee, although when he made a proposition to that effect it did not find a seconder. He did not believe that the Committee with its existing information was in a position by a hasty vote to alter the Bill.

MR. W. EWART said, he wished to know whether the press and the public as far as possible would be admitted to the debates in the proposed Councils? He believed that publicity of that kind was the best mode of initiating the people of India into our system of Government.

SIR CHARLES WOOD remarked, that if a lieutenant governor was appointed out of the Civil Service for Upper India there would be no need of an Executive Council; but they could not send out a governor for the administration of a Presidency without giving him the advantage of such an Executive Council as existed in Madras and Bombay. A governor general would cost more than a lieutenant governor; and although not averse to the proposal of sending out a governor he did not think that was the time to extend expenses, more especially as they had just been cutting down the higher salaries in India. With regard to publicity of the debates in the Councils, he did not think it was a matter which ought to be made imperative law. His views were in accordance with those of the present Governor General, that publicity in the local Parliament ought to be the rule; but that in Upper India, where the Natives would take part in the debates, publicity would be inconvenient. He thought that the question must be left to the Governor General or to the Governor of the Presidency.

MR. AYRTON said, the right hon. Gentleman had admitted the correctness of his (Mr. Ayrton's) views; but had put in the usual plea of Indian secretaries, that they could not be put in force just now. He thought a great step had been taken in getting so distinct a recognition of the soundness of the views taken in 1834, and the expression of a desire, as soon as possible, to carry them into effect. He should, therefore, withdraw his Amendment.

MR. DANBY SEYMOUR said, he should move the postponement of the clause unless he received a satisfactory explanation to the question which he had to put. The clause in the beginning said, that a number of sections were repealed. He wished to know were they repealed in consequence of anything in the Bill, or because of things beside the Bill?

SIR CHARLES WOOD said, the clauses proposed to be repealed were those which were contradictory to the provisions of the Bill.

Clause 2 *agreed to.*

Clause 3 (Composition of the Council of the Governor General of India),

MR. ADAM said, he wished to propose such an alteration in the clause as would provide that vacancies in the Supreme Council of India should be filled up by the Secretary of State in concurrence with the majority of his whole Council, and not as the Bill provided, with a majority only of those who might be present at a meeting. He did not wish to hint that the Secretary of State would pack a meeting, but Members might be out of town, or the Council might be hurriedly called, or Members connected with Bengal only might be present when a councillor for Bombay was wanted, or councillors for Bombay might be called on to elect a Member for Bengal. He was satisfied that the public confidence would be more fully reposed in the Members elected if the whole Council were concerned in the election.

MR. DANBY SEYMOUR said, he had an Amendment to propose in a previous part of the clause. It was in line 29, and was, instead of the words "there shall be," to insert "it shall be lawful to appoint." His object was to make it permissive instead of obligatory to appoint a financial secretary to the Legislative Council. It might be necessary to appoint a financial secretary, but not to re-appoint one. Where a matter of £8,000 a year was concerned, he thought it might be worth while to consider whether it might not be possible at some future time to save it. He could not conceive that the right hon. Gentleman could object to the proposal, as he understood it to have the sanction of a great many gentlemen of high authority upon Indian affairs, and there was a public rumour abroad that the Council of the right hon. Gentleman were favourable to it. In the one case the right hon. Gentleman must find a gentleman to fill this appointment of £8,000 a year, but if the Amendment were adopted a licence would be given by the House to effect the economy when it might be desirable. He thought the time was fast approaching when it would not be necessary to send out a financial secretary to India. Mr. Wilson and Mr. Laing had inaugurated a new system, and he thought after a short time all that would be wanted was a gentleman like Mr.

Arbuthnot and other gentlemen high up in the Treasury, who would put the accounts of India in order, and keep them so.

COLONEL SYKES said, that the time might arrive when it would be important to the Secretary for India to save £8,000 a year, and it would be gratifying to him to know that it would not be necessary to appoint a gentleman to receive that sum. He should, therefore, support the Amendment.

SIR CHARLES WOOD said, he had merely followed the precedents of former Acts. The last Act prescribed that there should be four members of Council; the Bill before them prescribed that there should be five. There had always been an optional power vested in the Secretary of State to suspend the nomination of members of Council; but he thought it desirable that the number should be fixed in the Act. The Governor General had recently written home exulting that, for the first time these four years, he had a full Council and a full *secrétariat;* but in the course of a month two Members of Council had been struck down with illness—one was obliged to come home, and the other to take a sea voyage for the restoration of his health. Five members he thought not more than enough to conduct the important business which had to be performed by the the Council.

MR. BRIGHT said, he hoped his hon. Friend would not divide the Committee upon his proposal. It was six of one and half a dozen of another. £8,000 a year was a matter of £8,000 a year, but it did not appear to him that five members were an excessive number. It might be that £8,000 a year was too much, and he should like to see it brought down to £5,000. But there was one point upon which he did not agree with his hon. Friend, who thought that the finances of India could be brought down to the state they were in before, and that there would be no need of a Chancellor of the Exchequer for India; but if the right hon. Gentleman were to give his testimony he would be able to make some great revelations. Many of the gentlemen in India appeared not to know even the multiplication table. No one of the 1,000 persons connected with the Civil Service in India seemed to understand his multiplication table.

MR. VANSITTART said, he thought the hon. Member for Birmingham had travelled a good deal out of his way to say something derogatory to the Civil Service of India. He spoke of the necessity of sending out a Financial Secretary from this country; but the fact was that Mr. Laing was actually reversing Mr. Wilson's financial policy, and adopting that recommended by Mr. Harrington—a civil servant and Member for the north-western provinces—namely, to abandon the income tax and introduce a licence tax. Candidates for the Civil Service were obliged to undergo a severe competitive examination; having passed that, they had to undergo another examination in two of the Native languages; then, while they remained in this country, they had to submit a report to the Civil Service Commissioners in regard to the procedure of the courts; and when they went to India they were subjected to a departmental examination before they could get any appointment, while by the Bill a barrister of five years' standing was to have the powers of superseding these civilians. They all knew what a barrister was—a gentleman, after keeping a certain number of terms, or eating a certain number of dinners, and hearing lectures for one year, was a barrister, called to the Bar; and five years afterwards, without looking into a law book unless he chose, he was eligible to one of the judgeships under the provisions of this Bill. He could not help saying so much with reference to the want of financial ability imputed to the Civil Service by the hon. Member for Birmingham.

MR. KINNAIRD said, he thought the observations of the hon. Member for Birmingham with respect to the civil servants in India too sweeping. He hoped the hon. Gentleman would not divide the Committee. There was nothing in the Bill which compelled that the salary should be £8,000.

LORD STANLEY observed that, no doubt, the appointment of a Financial Secretary was desirable, although it was only within the last two years that it had been thought necessary to send him from this country. There was power, however, under the law as it stood to send out a financier instead of a legal Member, as had actually been done in 1859. He had more doubt about the appointment of a legal Member, but if his right hon. Friend was prepared to take the responsibility of the appointment he was not prepared to oppose him.

SIR CHARLES WOOD said, the greatest possible inconvenience had been found from the want of a financial Member. It was absolutely necessary to send out Mr.

Wilson and Mr. Laing, and he was sorry to say that the accounts of the finances of India showed them to be in a very unsatisfactory state. His hon. Friend (Colonel Sykes) had been studying those finances—[Colonel SYKES: Hear, hear!]—and had not been able to come to what he (Sir Charles Wood) certainly had not been able to arrive at—namely, a clear conclusion on the subject. The Governor General upon more than one occasion had complained of not having the assistance of a legal gentleman, and had been obliged to call upon the Advocate General to assist him in the framing of Bills. It was quite essential at present that there should be both those Members.

MR. J. B. SMITH said, he hoped his hon. Friend would withdraw his Amendment. He wished to ask the Secretary for India whether it was intended that the Chief Justice of the Supreme Court should be one of the Governor General's Executive Council, or one of the Legislative Council?

SIR CHARLES WOOD said, the Chief Justice never had been a Member of the Executive Council. He would not be *ex officio* a member of the Legislative Council.

Amendment, by leave, *withdrawn*.

SIR CHARLES WOOD said, that with reference to the Amendment of the hon. Member for Kinross (Mr. Adams), he begged to state that he had merely adopted the words of the existing law—that in all appointments the majority of Members of Council present was necessary. He did not give himself more power or patronage by the words of the clause. If Members of the Council would not attend in their places the alteration proposed would create an obstacle which might be very inconvenient. He thought it better that one uniform rule should prevail, and that in matters of expense and patronage a majority of the members present should be all that ought to be required.

COLONEL SYKES said, he thought the Amendment a very reasonable one. The Indian Council consisted of fifteen members, but five formed a quorum, so that three members would constitute a majority.

LORD STANLEY said, he was quite as zealous as any one for the maintenance of the influence of the Council, but he thought it would be doing injustice to the members of it to suppose that, because five Members of the Council were a quorum, therefore, only that number habitually attended. Generally speaking, the whole fifteen were present, and no absences occurred except from illness or other unavoidable causes. By the Act of 1858, all the powers exercised by the Council were vested in the majority present at a meeting.

SIR CHARLES WOOD said, he could confirm the statement of the noble Lord. He had never known a meeting of the Council to consist of less than eleven, and, in most cases, the entire number attended.

MR. ADAM, after the explanations which had been given, said he would not press his Amendment.

MR. TORRENS said, he wished to move the omission of the concluding words of the clause, empowering the Secretary of State in Council to appoint the Commander-in-Chief to be an extraordinary member of the Governor General's Council. The military duties of the Commander-in-Chief rendered it generally impossible for him to attend the sittings of the Council, and that in the present state of the finances of India he ought not to be paid a double salary. The Commander-in-Chief received about £8,000 a year as a member of the Supreme Council, and £7,000 for the discharge of his military duties, together with some £3,000 or £4,000 for field allowances. The civil salary might be very fairly deducted.

SIR CHARLES WOOD said, he could not agree to the Amendment, which proposed to exclude the Commander-in-Chief from the Governor General's Council. That would be a most unfortunate step to take, considering to what extent the Governor General had to do with the management of the army. It should, moreover, be remembered that by the Act of 1853 the emoluments of the Commander-in-Chief had been reduced nearly one-half. Formerly he received from £17,000 to £18,000 a year in his twofold capacity, but now his salary was only £10,000, or little more than the salary of an ordinary member of Council, although his responsibilities were far greater.

MR. H. BAILLIE said, he thought that the explanation as to the salary was satisfactory, and would advise his hon. Friend not to press the Amendment.

MR. VANSITTART said, he hoped the Amendment would not be persisted in.

Amendment, by leave, *withdrawn*.

MR. DANBY SEYMOUR said, he wished, after the words referring to the appointment of the remaining two out of the five ordinary Members of Council by Her

Majesty's warrant under the Royal sign manual, to move the insertion of the words :

> "Provided that one of such remaining two shall, at the time of such appointment, be a practising barrister-at-law of not less than ten years' standing at the Bar of England or Ireland, or a practising member of the Faculty of Advocates in Scotland of not less than ten years' standing at the Bar of Scotland, to assist by his legal advice the said Council of the Governor General, to superintend and control the preparation of laws and regulations, and to discharge all other duties incident to the office of an ordinary member of the said Council."

If his Amendment were not acceded to, the Committee would be sanctioning the possibility that some gentleman other than a legal gentleman might be sent out to fill the post of Legislative Councillor.

Sir CHARLES WOOD said, that of course the object of the provision was to enable the Government to send out a gentleman to assist the Governor General in Council in the legal portion of the business that came before him. He objected to the terms proposed by the hon. and learned Member, because he did not want a practising barrister. There was a good deal of law in India which was not English law, and, therefore, it might be preferable to have a person acquainted with the principles of law rather than a practising barrister. Under the terms of the Amendment, he believed the late Lord Macaulay was not qualified when he went out to India. It was unwise to tie up too closely the discretion of the Government. The difficulty was often to find persons qualified and willing to fill the various posts. Let the Committee consider what had happened. It had been intended that a legislative member should be a lawyer, but fortunately the words of the Act of Parliament did not bind the Government to send out a practising barrister, for circumstances arose which rendered it desirable to send out a financial member of the Council, and accordingly, in compliance with the suggestion of the noble Lord opposite, a gentleman was sent out who rendered great services, and whose death was a loss much to be deplored.

Mr. H. BAILLIE said, he thought the legal adviser of the Governor General should be acquainted with Indian law, but he did not see why there need be any legal member at all.

Mr. BRIGHT observed that the right hon. Baronet had told them that it might be desirable to send out a person who was versed in arithmetic and not in law, and that it was better not to restrict too much the discretion of the Government. But, as of the five members of the Council one was to be a financial member, there could be no necessity for appointing a financier in place of the legal member. The term of "practising barrister" in the Amendment might, perhaps, be better omitted, as there were many men well qualified who did not practise in court. He did not, however, attach any weight to the illustration of the right hon. Gentleman of Lord Macaulay, because he (Mr. Bright) did not believe that Lord Macaulay ever did anything for India while he was there. As to the requirement of ten years' standing at the Bar, that period might be thought too long, but still it was desirable that some term of experience at the Bar should be prescribed. The right hon. Gentleman said there was a difficulty sometimes to find the right man for a particular post; but when there was a salary of £8,000 a-year there was sometimes a tendency to put in the wrong man, who was always ready. He hoped that the right hon. Gentleman would consent to the Amendment if the word "practising" was omitted, and the requirement of ten years' standing reduced to six or seven years.

Sir CHARLES WOOD said, that if there were to be any restriction at all it ought at least to be wide enough to include all the legal profession. A civilian ought not to be excluded if he were the right person for the place.

Mr. AYRTON said, that reference had been made to the Indian code of Lord Macaulay. All he had ever heard of that code was this—a gentleman once read a passage from it to another person, who remarked, "What an admirable skit on a code of law!" The gentleman assured him it was no skit or joke at all, but an actual passage from the code itself. He believed that for twenty years there had been attempts to make something of that code; but no one had ever succeeded. That was very instructive. He admitted the great difficulty of framing a code of law. But what he complained of was this—they were asked to pass Acts of Parliament that were of the nature of a code, and he thought it absolutely necessary that some description or definition of its policy should be inserted; but if any one proposed to insert anything like a description they were told it was a restriction. The purpose or necessity of these appointments ought to be put on record. There were two Members of Council to be appointed—one for the purpose of managing the finances of India, the other to assist the Governor General in the administration of the laws. He would, therefore, ask the right hon. Gentleman to put something into the Bill indicating the purpose for which these two officers were sent out to India. If it was stated that a barrister of a certain standing was to assist in making the laws, it would be enough. The number of years standing would not be a test of ability; but it would be a check. It would prevent any one being made a barrister merely for the purpose of going to India; he could not be called to the Bar merely for that purpose. The standing might be fixed at five years, according to the qualification for an Indian judgeship; or seven years, which was the qualification for a Judge of a County Court.

Lord STANLEY said, he hoped the right hon. Baronet would follow the advice of hon. Members, and give some guarantee in the Bill that the gentlemen to be appointed should be men of ability. He felt, however, much difficulty in the wording of the clause. The post ought to be restricted to a lawyer, but the words "practising barrister" would exclude many valuable members of the legal profession, and that might be attended with inconvenience. It would be necessary also to consider how the Calcutta Bar would be affected. Again, the term of years was not a secure guarantee of professional eminence. Many barristers, after some years' practice, had really no more knowledge of the law than any educated man. The mere qualification of a practising barrister, therefore, was no security for professional knowledge. Still, with a view of securing as great a safeguard as possible, it might be well, notwithstanding the incidental inconvenience, to retain the word "practising."

Sir CHARLES WOOD said, if the hon. Gentleman did not press his Amendment, he would, before the Report was brought up, endeavour to meet the objections.

Mr. LAYARD said, he presumed, after what the right hon. Gentleman had said, that the hon. Member for Poole would not press his Amendment. He quite agreed with the noble Lord opposite that the way in which the description was worded required great consideration. There were many persons qualified as jurists who had never been called to the Bar; Bentham, for instance, never practised as a lawyer; and those professors of law in the Universities who had made law their study, yet had never been called to the Bar, were better qualified as jurists than many practising barristers.

Mr. VINCENT SCULLY said, he approved the Amendment. He thought for so high and important an office the qualification ought to be ten years' standing rather than five.

Mr. DANBY SEYMOUR said, he would withdraw his Amendment, but, as to the qualification, he considered it a great advantage to have had experience of the collisions in the courts of law, and to have seen them in actual operation. A man who had not seen something of the practical working of the law could not be of much assistance to the Governor General.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 4 (Present Members of Council to continue),

Mr. AYRTON suggested that there should be a limit to the amount of the salaries, and moved the insertion of the words, "not exceeding the amount now allowed by law."

Sir CHARLES WOOD assured the Committee that there was not the slightest intention of increasing the salaries, but as the Council of India had been constituted in order to serve as a check upon the expenditure, he thought it would be more fitting to leave the matter to them.

Mr. VINCENT SCULLY said, the assurance of the right hon. Gentleman would not be in the slightest degree binding on the Government, and if their intention was not to increase the amount of the salaries, why not insert the words suggested?

Clause *agreed to,* as were also Clauses 5 to 9 inclusive.

Clause 10, (Additional Members to be summoned for the purpose of making laws and regulations),

Mr. LAYARD said, he had to move an Amendment of much importance. The great value of the Bill was that it recognized at last the position of the Natives. By the clause the Governor General in Council had the power of appointing not more than twelve and not less than six additional Members of the Council, of whom one-half were to be non-official Members. Now, he wished it to be expressly stated that a certain number of these additional Members should be Natives. The right hon. Gentleman had a few nights before declared that no distinction should be drawn between any subjects of Her Majesty, whether Natives or not, No such distinction ought, indeed, to exist between our fellow-subjects, whatever their race, their colour, or their creed. But he should shortly have to bring before the House an instance drawn from the medical service in which this distinction was maintained, and a great hardship had been inflicted. The insertion in the clause of express words respecting the appointment of Natives would convey no slight upon them, while it would insure the object in view. These Bills afforded an earnest of the right hon. Gentleman's sincerity upon this question; but his successor, or the Governor General for the time being, might not be of the same mind, or a pressure might be brought to bear upon him by the British inhabitants, which might prevent the Governor General from nominating Native gentlemen. Believing that to insert such a provision would strengthen the hands of the Governor General, he would move to add the words—"And provided that not less than one-fourth of such additional members of Council shall be Natives of India."

COLONEL SYKES said, he gave the right hon. Gentleman full credit for a wish that Natives properly qualified should be eligible to offices of trust and emolument; but in the Bills there was no mention of the Natives. It was all very well to say that there should be no difference between a British subject born in India and one born in any other part of the world, but unless a distinct provision to that effect were introduced into the Bill, it would be said in India that the Natives were never intended for high office. Unless they gave fruition to the expectations they had excited they would ultimately fall victims to the intellectual energy which they had stimulated.

MR. BUXTON said, he was of opinion that there were a large number of Natives who might safely be trusted with a share in the Government of India, and nothing would so tend to establish our Government in India as a liberal distribution of public patronage to them. It might be said that by the existing Act it was declared that there should be no difference in the position of Natives and Europeans in this respect; but, on the other hand, it might be argued that, as the Natives were not specifically mentioned, it was not intended that they should be intrusted with these offices, and to insert these words, therefore, would give them a guarantee which they did not now possess.

MR. TORRENS observed, that it would be better to leave the matter to the discretion of the Secretary of State.

SIR CHARLES WOOD said, he still adhered to the opinion which he had formerly expressed, that it was essential that the Natives should be more largely taken into the administration of the country, and the Bills were framed in that spirit. There ought to be no legislative distinction between any class of Her Majesty's subjects whatever their colour, creed, or race, and for that reason he objected to mentioning any class by name in an Act of Parliament. A Bill had been introduced into the Legislative Council making that distinction which the Governor General had resisted, and he had strongly supported the Governor General in his objections to any legal distinction being made. He objected to the Amendment on the same principle that, neither by exclusion nor by privilege, should any distinction be made, but that all classes of Her Majesty's subjects, without being named, should be admissible to offices to which they were qualified.

MR. BRIGHT said, there was great force in the objection made by the right hon. Gentleman to the insertion of the words. At the same time, he considered that the arguments in favour of his hon. Friend's Amendment were absolutely overwhelming. He believed the universal opinion of Parliament and of the people of the country to be in favour of the fair admission, at least, of such a number of Natives to the councils as should give some satisfaction to the people of India; but he had great doubts as to the desirability of defining accurately the portion of power which should be given to either race in that country. He should be quite satisfied if the right hon. Gentleman, when these councils were formed, would express his opinion to the Government of India as to the employment of Natives in them, because, if such a recommendation were once given to the Government by the Secretary of State, a practice would be set up and a precedent established, without putting words into the Act to which there might be some real objection.

SIR CHARLES WOOD said, the hon. Gentleman's suggestion was a perfectly fair one, and when the Act was passed it would be his duty to address a despatch to the Government of India, pointing out how it should be carried into operation, and he had no difficulty in saying that he should recommend—as it was before his intention to do—the free admission of Natives into the Legislative Council, without specifying any proportion.

MR. VINCENT SCULLY said, he had no faith in these fast and loose statements, which did not in any way bind any future Secretary of State. If compulsory words were not inserted in the Bill he did not believe that any Natives would be admitted into the Legislative Council: at all events, if they were, it would only be *pro hâc vice*, until the policy of the Government were changed. It would have been much better if the Emancipation Act had contained a clause requiring that one-fourth of the Cabinet should be Roman Catholics. There was a permissive power, but no Roman Catholic had ever been admitted a member of the Cabinet. He hoped the hon. Member would divide the Committee upon his Amendment. If he succeeded he would do good, and if he failed he would have called attention to a very important subject.

MR. AYRTON said, he was in the habit of communicating almost daily with Natives of India, and he thought he knew better than the hon. Member for Southwark what would suit them. He believed it to be expedient that the Executive Government in India should be essentially British, but that British authority should be exercised with a due regard to the wishes of the Natives, and that proper means should be taken to ascertain what those wishes were. He did not think that either the clause or the Amendment was well designed for the purpose. He should prefer to leave it to the Governor General to take those means which were most appropriate to the particular circumstances of each case in which laws affecting the Natives were to be made. For instance, there was a very important class in India—the nobles of the Deccan; and the proper mode of legislating for them was for the Governor to call a meeting of them, and consult them upon any law affecting their interests. But if two merchants of Bombay, for example, were sent to the Legislative Council as representatives of their opinions, it would be an insult to the nobles of the Deccan. If they wished to maintain British ascendency in India, power should be left in the hands of the representatives of England.

LORD STANLEY said, he hoped the hon. Member for Southwark would withdraw his Amendment, and leave the matter in the hands of the Secretary of State and the Governor General. Although he admitted it was quite right that Natives should be admitted to legislative power in India, yet he could not help feeling that there would be considerable difficulty in carrying out any scheme for such a purpose, and that difficulty would be increased by the mere fact of the paucity in number of the representatives required. For it would not be an easy matter to find in so large a population as that of India three or four individuals so vastly superior to the rest that their appointment to a seat in the Legislative Council would excite no jealousy. Then, again, the different nationalities and religions into which the Indian community at large was divided would superadd difficulties of another character. For instance, a Mahommedan would not consider himself at all represented by a Hindoo; nor would a great landowner of the North Western Provinces or a Talookdar of Oude, feel his position at all bettered because a respectable Calcutta Baboo was allowed a seat in the Council. He, therefore, thought it would be much better that the Amendment should be withdrawn.

COLONEL SYKES said, the effect of the noble Lord's arguments was, that because it was difficult to find representatives of the different grades in India, *ergo* there should be no representation at all.

MR. DANBY SEYMOUR said, he agreed with the hon. Member that the number of Native Councillors should be fixed, and believed that the feeling of the Natives would be that their race was honoured by such a provision being made by the Imperial Parliament. In former times the Natives governed the country, and India produced statesmen and warriors. European communities were unable at first to exercise political power after they had for a long time been debarred from it, and in the same way the Natives of India ought to be taught how to use it. The Act would be a beginning, and, therefore, he hoped the hon. Member would divide.

MR. LAYARD said, he felt that after the appeal of the right hon. Gentleman he would not forward the cause he had espoused by pressing his Amendment to a division. He consented to withdraw it on the distinct understanding that the right hon. Gentleman would instruct the Governor General and the Governors of Provinces to appoint Natives as Members of the Councils.

Amendment by leave *withdrawn;* Clause *agreed to.*

Clause 11 (Additional Members to be appointed for a year),

Mr. VANSITTART said, that the effect of appointing non-official Members of the Council for only a year would be to render them mere dummies. A man could not be expected to master the business of the Council in so short a time, and he doubted whether any respectable non-official persons would consent to serve for so brief a term of office. He regretted very much that the Chief Justice, Sir Barnes Peacocke, had not a seat in the Council. It was owing very much to the able and untiring exertions of Sir Barnes Peacocke that the revision of Lord Macaulay's code had been completed ; and, indeed, it had been through his assistance that nearly every valuable measure of late years had been passed. When information of the constitution of the Council, under the present Bill reached Calcutta, he believed it would be received with scorn and indignation. With the view of infusing a little independence into the Council, he would move an Amendment to the effect that five years should be substituted for one year as the term of office of non-official Members.

Mr. BRIGHT said, that in looking over the Bill no clause surprised him more than this. He thought the hon. Gentleman who moved the Amendment had not stated one-half of the arguments that might be used against the proposition in the Bill. It seemed these additional Members were to be nominated by the Governor General, and they were to be appointed only for one year, and were to have no salary, although their expenses would be paid. Every element of independence as regarded these Members was taken away. The person going into office for twelve months knew who put him there, and he also knew who could exclude him when his term of office had expired. The only element of independence was that there was no salary attached to the office, and there being no inducement of a pecuniary nature for retaining office, the man might snap his finger at the Governor General, and say, "I do not care whether you appoint me for another year or not—I get nothing by it." It appeared to him that nothing could be arranged more cleverly for making it a difficult matter to get good and efficient Members, and when they had got them to keep them. He was not prepared to go the length of saying that those Members should retain office for five years, but he thought three years was the shortest term for which they should be appointed. As the clause at present stood there was no inducement to those Members to do that which they wanted them to do—namely, to exercise their own honest faculties for the good of the country. He hoped the right hon. Gentleman would agree to the proposed alteration, for by adhering to the clause in its present shape he would go far to mar the constitution of this Council.

Mr. TORRENS observed that Lord Canning had recommended that non-official Members should be appointed for two years.

Mr. CRAWFORD said, he concurred with the hon. Gentleman opposite and the hon. Member for Birmingham in the objection they had taken to the term of one year, because he could not but feel that gentlemen who were only placed in office for one year would to a great extent be under the control of the Governor General. If they were to show an independence which was distasteful to him he would naturally be disposed to exercise the power which was vested in him—of appointing some one else at the end of the year. He should, therefore, support the Amendment, with the alteration proposed in it by the hon. Member for Birmingham.

Lord STANLEY said, that three things were required in a member of any legislative body — imdependence, experience, and zeal and interest in the public service. Under this clause none of these qualifications would be obtained. Who would take a seat in that House for only twelve months? If they wanted Europeans, men of wealth and position, to give up their occupations and devote themselves to the transaction of public business they must hold out to them some better prospect than that of a year's seat in this Council, with the chance of the almost ignominy of a removal at the end of that period. It was also worth considering whether the Government might not find it in practice more difficult to get rid of a member of Council appointed for this short period than they would do if the appointment was extended. If the members were appointed for only one year it would probably become the practice to reappoint them, and their removal, except on the ground of some obvious disqualification would be invidious, while if they sat for five, four, or three years it would be understood that they had no claim to be appointed again.

Mr. ADAM said, he agreed that European members of the Council ought to be appointed for three or five years. But the period of one year had been fixed in order to enable the Governor General, when up the country, to call into his Council any Native princes or ministers of the State in which he might be, whose advice he might think it desirable to take. It would be inconvenient to require the services of such persons for more than a year.

Lord STANLEY said, that although appointed for a longer period, they might resign at the end of a year.

Sir CHARLES WOOD said, there could not be the slightest doubt that the clause involved a very difficult question. It had been founded on an opinion of Earl Canning, who had written—

> "Two things are essential in forming a body of advisers for the Governor General; one, that it should be capable of being assembled for business at other places than Calcutta. . . . To secure, therefore, those who are not *ex officio* members of the Council, the appointment should be for a short term—certainly not longer than two years, and I think a single year would be better."

Let hon. Gentlemen consider what would in all probability be the course of proceeding. The object was to give the Governor General, in his Legislative Council, the best advice and assistance, and the most intelligent persons that could be got. The Governor General and his Executive Council would prepare the Bills, and have them laid before the Legislative Council, which would be summoned when a sufficient number of Bills were prepared. The European Members of Council would probably be great merchants or great planters in the neighbourhood of Calcutta, such men as the chairman of the Chamber of Commerce at Calcutta, or of the Planters' Association. It could not be expected that persons so engaged in business would sacrifice any very large portion of their time to the public service; and he was, therefore, afraid that if these appointments were made for so long a period as five or three years, many men who were well fitted to be members of this Council would be deterred from accepting seats in it. At the same time, they would, even if only appointed for a year, be perfectly independent, because they would receive no salary, and might resign directly if they thought that they were not properly treated. Then as to the Native Members of the Council, the Governor General contemplated holding the Councils elsewhere than in Calcutta, and it could not be expected that persons would attend them far away for more than one year. Lord Canning's object probably was to hold meetings of the Council at different places in different years, and to vary some of the persons summoned, according to the locality where the Council sat. He thought, therefore, it would create an obstacle to the obtaining of Natives if the appointments were for more than one year. He could quite understand a Native of the upper part of India being willing to take his place for a session at Agra, or any place in the upper part of India, but he did not think they would like to be employed for five years. He could not see there was any chance of their becoming dependent upon the Governor General, because they would receive no salary.

Mr. BRIGHT said, that the right hon. Gentleman's notion of the Council was totally different from that which was passing in the minds of the Committee. He was hardly able to conceive the ludicrous position in which Earl Canning would be placed if the right hon. Gentleman's idea was carried out. At the beginning of the year he would have to publish a programme of where he would travel, and when he was appointing the Members for the next year he would appoint some men in Calcutta, then some gentlemen of position at Delhi, and others in the neighbourhood of Lahore. In fact, the Council would not be what the Committee understood they were about making. What the Governor General should do was to have his Council stationed at the seat of Government, and, when he travelled take the advice of the Oude talookdars and the Native gentlemen of the Punjab, as, no doubt, he had been taking it during his late progress. That would be better most certainly than bringing men from their towns and changing them every year. It appeared to him to be a most preposterous proposition. Either the right hon. Gentleman must have entirely mistaken Earl Canning's views with regard to it, or they were both at variance with the views of the House in requesting the Council. The plan would, he believed, be most undesirable, and would be fatal to the working of the Bill. He thought the right hon. Gentleman might go too far in his deference to Earl Canning. He (Mr. Bright) had deferred to him in some matters; but, in regard to this proposal, he thought the Committee was quite as competent as Earl Canning to form an opinion; and he was satisfied the opinion of the Committee was adverse to the right hon. Gentleman, and in favour of three years instead of two or one.

Sir CHARLES WOOD said, it seemed to him that the plan suggested by Lord Canning was the only way of securing the assistance of the Natives. The Committee had decided that it was most desirable to have Natives Members taking their part, and voting in the Council, and not merely, as in Native States, to express an opinion in durbar. He agreed that the Councils should seldom be moved from Calcutta; but the Governor General did contemplate its meeting sometimes at Delhi or Lahore. The Governor General knew when he was going to make a tour in the provinces, and he could without difficulty arrange to have the Councils held in accordance with these arrangements. But he thought to extend the time of service would be practically to exclude the Natives from serving on the Councils.

Mr. H. BAILLIE said, the right hon. Baronet seemed to contemplate that the Governor General, when he travelled through the Northern Provinces, would take his Council with him; but that had never been the practice, the Council having always been kept at Calcutta. He agreed with the hon. Member for Birmingham that the Council of India ought to be a stationary body.

Mr. W. E. FORSTER said, that if the Members of the Council were appointed only for one year, they would become completely subservient to the Governor General, because, if they took a view different from him or his Government, their services could be easily dispensed with at the end of that period. He hoped, therefore, the right hon. Gentleman would consent to the appointments being for three years. It was true it might be desirable to prevent the new Council from being as troublesome as the old one; but, on the other hand, if the Natives were summoned only for twelve months, the Council would be a sham. He could not help thinking that as great care had been taken to limit the action of the Council, and to secure a large majority for the Government, the period of a Member's appointment might be sufficiently extended to guarantee his independence. He did not see how an effective Council could be got if it were nominated for a less period than three years.

Mr. CAYLEY said, that on Indian matters he had some weakness for the opinions of the hon. Member for Birmingham. However, on this occasion, he thought there was more reason in what was said on the other side, founded as it was, on the opinion, not only of the Governor General but also of the Council, and he thought the Committee would act unwisely in setting its opinion against the unanimous decisions of so many high authorities.

Mr. CRAWFORD said, that the peripatetic character of the Council was objected to, but it might be so arranged that the non-official members should be summoned only as long as it was sitting at Calcutta. It was desirable that the Natives should be called in to the assistance of the Governor General, not merely for what their opinion was worth, but to invest them with the dignity attaching to legislators.

Mr. AYRTON said, the House, forgetting that every written constitution ended in a revolution, had tried its hand two or three times in the last thirty years, and all their attempts had broken down. They were now about to frame a new constitution more precise and complex than its predecessors, without providing any means for bringing the legislative body into harmony with the executive authority. Instead of making the Governor General the true representative of the Queen, they had conferred upon him no power by the exercise of which he might allow or disallow the acts of the legislative councils.

Mr. LAYARD said, it appeared to him that the only objection made to the three years was that some Natives whom it was thought desirable should be Members, and who resided at a distance from the usual seat of the Council, would not like to be called on to serve for more than one year. But that difficulty could be easily got over by giving the Governor General, at any time he required the assistance of Natives from particular provinces, power to appoint two extraordinary Members when he visited those provinces accompanied by members of his Council.

Mr. DANBY SEYMOUR said, he thought that if the Legislative Council was to do any good it must be stationary. Earl Canning seemed to think that he had found the Council troublesome for the last five years, but he contended that, looking at what they had done, the balance of good against evil was clearly in their favour. He did not believe that this Bill would be permanent if it were agreed to, and he should suggest that if the right hon. Gentleman could not agree to the Amendment, he should reconsider the clause.

Lord STANLEY said, he hoped that his hon. Friend (Mr. Vansittart) would persevere with his Amendment. His hon. Friend would, perhaps, think it well to substitute "three" for "five" years, and then submitting the Amendment to the Committee in its amended shape.

Mr. GREGSON said, it would be a good deal for men whose time was already fully occupied to give up even one year.

Mr. W. EWART observed that in his opinion three years was the preferable period; for those who desired not to serve longer than one year could resign at the end of that term.

Mr. VANSITTART said, he would adopt the suggestion of his noble Friend and substitute "three" for "five" years; but he would then make a stand and divide the Committee on his Amendment.

Amendment for making the "five" years was then, by leave, *withdrawn;* and one making it "three" substituted.

Mr. BRIGHT said, he hoped it would not be necessary to divide upon the Amendment. It might be assumed that the Committee was against one year, and in favour of three; and if it was desirable to have the services of a large proprietor or a rajah in the upper country, when the Governor General was on his travels, nothing would be easier in such a case than to give the Governor General power to appoint two or three extraordinary Members of Council. It would be most unfortunate if they destroyed the work of the Council at Calcutta for some doubtful or visionary advantage of catching a wise man at some distance from Calcutta.

Sir CHARLES WOOD said, he thought that the intention of Earl Canning might be gathered from his despatches. He was very unwilling to go beyond the period suggested by the Governor General, but he would so far give way to the opinions which had been expressed by the Committee as to take the longest period named by him, and would, therefore, substitute two years for one.

The Amendment was then *negatived,* and the period of two years was substituted for one.

Clause, as amended, *agreed to;* as were also Clauses 12 to 17 inclusive.

Clause 18 (Business to be transacted at Meetings),

Mr. BRIGHT asked, whether Members would have power to move for Returns?

Sir CHARLES WOOD replied that they would, if the Motion related to business before the Council.

Mr. BRIGHT said, he regretted that this and the three following clauses had been inserted in the Bill, as they would tend to cripple the actions of the Council.

Colonel SYKES concurred in that opinion, and said that the effect of the clause would be to deprive the Council of all power.

Sir CHARLES WOOD replied, that the clauses were passed with due regard to the facilitating of public business in the Council.

Clause *agreed to.*

Clause 19 (Governor General to make rules for Conduct of Business at Meetings),

Mr. W. E. FORSTER said, that it was contemplated that an official Report should be published of the proceedings of the Council; but it was of great importance that independent Reports should be published from day to day. Earl Canning appeared to contemplate that the proceedings should be as in Committee; and published only after all was over.

Sir CHARLES WOOD said, that Lord Canning in his despatches, which were in the hands of hon. Members, had very clearly expressed his views on this subject. Lord Canning thought that open debate ought to be the rule, but in certain cases, as when the Council met in the Punjab or Oude, where the Natives did not understand English, the Reports, unless some precautions were taken, would give the arguments only on one side. In such cases there would be frequent official Reports of the proceedings.

Mr. BRIGHT said, he did not think the Governor General was likely to put in his Council men who could not speak English, and he could inform the right hon. Gentleman that he had never heard an Englishman speak English so perfectly as one of the Natives of India whom he had known. The question really was whether the Governor General in Council should make rules for the conduct of business of the Legislative Council, or whether the Legislative Council should make rules for itself. In the former case there would be no security for free discussion. Unless Earl Canning was more liberal than he was suspected to be the Council would have no power of debate whatever—no power to do anything without the permission of the Governor General. If he had had the drawing of the clause he should have substituted words to this effect:—"Rules and orders for the conduct of business at meeting of Council for the purpose of making laws and regulations shall be made by the Council, and may be subsequently amended by the Council if it shall see fit; and such rules shall provide the mode of promulgation and authentication of such laws and regulations ; and the meetings of Council for the purpose of making such laws and regulations shall be open to the public as heretofore, at the discretion of the Council." He thought it right that legislative assemblies should have the right to close their doors on special occasions. The House of Commons possessed that right, although they had not exercised it for many years. But he thought that if the right hon. Secretary of State would follow Earl Canning's suggestions in a more liberal spirit, remembering that his Lordship had drawn up the Bill with the intention of giving an apparent freedom, and at the same time giving as little of it as possible, the result would be better for India as well as for this country.

Sir CHARLES WOOD said, he must remind the Committee that they were dealing with edged tools in legislating for the Native population of India. It had happened before now that the minds of the Natives had been inflamed to a great extent by incorrect and garbled reports of speeches. It would be much safer to leave it to the Governor General to decide to what extent publicity should be given to these debates. If the practice in this country were modified it would only be so far as to insure an authentic report of the speeches.

Mr. W. EWART said, he had put down a notice on the paper to move the admission of the public and the press at the meetings of the Councils. He would not propose his Motion, but he trusted that the Governor General of India would not lose sight of the advantages of publicity, which would be one of the most valuable inheritances we could give to India.

Mr. H. BAILLIE said, he would beg to remind the Committee that Earl Canning himself admitted that publicity ought to be the rule, and that it was necessary for the Government occasionally to interfere to prevent the publication of one-sided reports. He thought the Bill went as far as the Committee could expect.

Mr. DANBY SEYMOUR said, he wished to know whether it was intended that the Reports of the proceeding in Council should only be published after the lapse of some time? If so, what took place would be sure to ooze out, and those who desired to give an incorrect account of the proceedings would, of course, resort to misrepresentation. To prevent that the best way was to have the fullest publicity. It was said that the Native gentlemen in the North were not able to speak English, and, consequently, could not take part in the debates; but why should not the same course be followed as was pursued in Canada, where two languages were spoken, and where each speaker expressed his opinions in his own language? However, he believed that in the greater part of India there would not be very many Native gentlemen among those chosen to sit in the Council who would be unable to speak or understand English. For these reasons he should be ready to propose the postponement of the clause until some other provision were produced more in accordance with the general feeling of the House.

Mr. LAYARD said, that he was disposed to agree that incorrect reports might be injurious; but would it not be possible that authentic and official reports should be forwarded day by day to the papers? No doubt the great object of publicity was that the Natives should have an opportunity of expressing their opinion upon measures which were passing through the Council. It could be of no avail that they should only be able to express themselves after the measures had become law.

Sir CHARLES WOOD said, he thought nobody would say that the House should, by Act of Parliament, enact whether the proceedings of the Council should be published every day or not. All he could say was, that he had endeavoured to state to the Committee what was the opinion of the Governor General on the subject. It was certainly to the effect that publicity was to be the rule; but that with regard to the proceedings of the Councils of the Governor General of the north-west provinces and of the Punjab, in which Natives from the upper provinces of India, not understanding the English language would probably sit, the rule should be modified to a certain extent. He did not draw the inference therefrom that it was meant that the report should only appear after a long delay, for the Governor General thought it desirable that there should be frequent authorized reports of the proceedings, in order that the Natives might not be misled by incorrect representations. The other day Sir Barnes Peacock expressed a doubt in Council as to the validity of the legal title by which all those Native chiefs to whom grants of land had been made held their lands. That expression of opinion had given rise to much alarm, and it was an instance of the danger which might arise from a too free publication of everything which might, perhaps indiscreetly, be let fall in debate.

MR. J. B. SMITH observed, that the right hon. Gentleman the Secretary for India, on introducing the Bill, quoted a letter from Mr. Laing, in which that gentleman stated that great advantages had accrued from the open discussions in the Legislative Councils. If the debates were published at all, they should, in his opinion, be published from day to day, and he should remind the right hon. Gentleman the Secretary for India that there was a Native press existing in that country which discussed with great ability the questions which came before the Legislature. They had, he might add, sometimes erred in their legislation for India, because they were not thoroughly acquainted with Native opinion; and the best way, he should contend, to obtain that opinion was by making public the debates in the proposed Council in the mode which he suggested. Entertaining those views, he hoped the hon. Member for Birmingham would persevere in his Motion, and could not refrain from expressing a wish that the right hon. Secretary for India would withdraw the clause under discussion, and reconsider it.

MR. BRIGHT maintained that if Earl Canning were to place on the Council Natives who could neither speak nor understand English, he would be departing from the objects of the Bill and the intentions of the House of Commons. He might further observe that he had no desire to appear to oppose the right hon. Gentleman in the efforts which he believed he was honestly making to improve the government of India, while he at the same time hoped that he would consent to reconsider the clause under the notice of the Committee, with the view of mitigating its stringency. Should he not take that course, there still could be little doubt that the privilege which was contended for would ultimately become an accomplished fact; and there could, therefore, be no valid objection to rendering the clause more liberal, so that when the Council met they should not be fighting against the Governor General, as would certainly be the case if they were men animated by feelings of independence and self-respect, and if they were not it would be better there should be no Council at all.

MR. LAYARD said, he did not think the time had yet come when a knowledge of English should become an absolute qualification for the Council. There were many very intelligent Natives who could neither speak nor understand English.

SIR CHARLES WOOD said, he was surprised that the hon. Member for Birmingham should throw difficulties in the way of the admission of Natives to the Council. It would be highly inexpedient that rules should be laid down in this country prescribing the standing orders for the conduct of business in the Councils in India.

MR. LAYARD suggested that objections would be met by providing that the necessary rules and regulations should be framed by the Council and submitted to the Governor General for his approval.

SIR CHARLES WOOD said, he did not think that would be the best mode of proceeding.

MR. DANBY SEYMOUR said, he hoped that the right hon. Gentleman would consent to postpone the clause.

MR. W. E. FORSTER said, he hoped the hon. Gentleman would not persist in his Motion, so as to press it to a division.

SIR CHARLES WOOD said, he was unable to see that any advantage would be obtained by postponement.

MR. BRIGHT said, he looked upon the arrangement proposed by the hon. Member for Southwark (Mr. Layard) as one which would be, to some extent, satisfactory.

Clause *agreed to,* as were also Clauses 20 to 26.

Clause 27 (Power of making temporary Appointment of Members of Council by Governor General or Governor of a Presidency),

MR. VANSITTART inquired whether any provision would be made for Mr. Harrington, Mr. Erskine, and Mr. Forbes? Mr. Harrington was the author of the financial proposals which Mr. Laing had adopted.

SIR CHARLES WOOD said, that with respect to the case of Mr. Harrington and others it was a subject under consideration.

Clause *agreed to,* as were also Clauses 28 and 29.

Clause 30 (Additional Members to be appointed for one year), Mr. VANSITTART said, he would propose, as an Amendment, that the appointments should be made for five years. The local councils would be stationary, and, therefore, in a very different position to that of the general Council. His object was to induce the non-official Members of the Councils to take an interest in them, and also to infuse a little independence into the Councils themselves.

Amendment proposed, in page 11, line 29, to leave out the words "one year," and insert "three years."

Sir CHARLES WOOD said, he was willing that the appointments should be made for two years, instead of one year.

Mr. VANSITTART said, he could not accept two years, but he would be content with three, and altered his Amendment accordingly.

Colonel SYKES said, he considered that the period of office should be three years at least.

Mr. W. E. FORSTER observed that the suggestion of Earl Canning, that the period of office should be one year, was solely applicable to the general Council.

Mr. DANBY SEYMOUR said, he thought it was a pity that the Members of the Council should not go out one or two at a time instead of all going out together.

Mr. BRIGHT observed that when they were discussing a similar question in regard to the Calcutta Council, the right hon. Gentleman's opinion went with the Committee, that two years were better than one, and the only reason why he did not consent to the appeals made to him in favour of the alteration was that he did not wish to depart from the law laid down by Earl Canning, but he had consented to take the *maximum* that Earl Canning proposed. But the argument of Earl Canning did not apply to those local Councils, and, therefore, the right hon. Gentleman was quite free to adopt the term of three years. He did not speak of this as a matter of paramount importance, but, seeing how many had expressed an opinion in favour of a longer term with regard to the general Council, and the right hon. Gentleman had carried his views without a division, he thought the three years might be conceded for the local Councils.

Sir JAMES ELPHINSTONE said, he could not see why the period should be limited at all.

Sir CHARLES WOOD said, that Lord Canning was of opinion that persons would be more anxious to give their services for a year than they would be if they were asked to serve for a longer period, and they would be, consequently, more likely to obtain the services of eligible persons. That was no reason, however, why they should not be appointed year by year for the term of their natural lives. He was inclined to think that it was the wisest course to adhere to the period he had fixed upon.

Mr. J. B. SMITH said, that members appointed for three years would be more independent than if they were only appointed for one year. If they did not wish to serve for a longer period than a year there was nothing to prevent them from resigning.

Question, "That 'one year' stand part of the Clause." Put, and *negatived.*

Question put, "That the blank be filled up with 'three years.'"

The Committee *divided:*—Ayes 60; Noes 66: Majority 6.

Clause *agreed to,* as were also Clauses 31 to 36 inclusive.

Clause 38 (Business to be transacted at Meetings of Local Councils),

Mr. LAYARD said, he wished to know what was meant by the words at the end of the clause, "affecting the public revenue of the Presidencies?"

Sir CHARLES WOOD said, what was meant was that no financial measure should be introduced without the sanction of the Governor General.

Mr. BRIGHT said, he wished to ask whether the right hon. Gentleman meant that no member should be able to propose a resolution on the question of revenue as they could in that House? Any Member of that House could give notice that on a certain day he would move that the House should go into Committee to take a certain thing into consideration. Was that privilege to be allowed in India?

Sir CHARLES WOOD was understood to say that the effect in India would be precisely the same as in this country.

Clause *agreed to,* as were also Clauses 38 to 42.

Clause 43 (Governor of Presidency, except with sanction of Governor General, not to make or take into consideration certain laws or regulations),

In reply to Mr. W. E. Forster,

Sir CHARLES WOOD said, the local Councils would be competent to deal with internal improvements or any other subjects of purely local concern, but questions of general policy must, of course, be reserved for a higher authority. It certainly was not intended to exclude railways from the operation of this clause.

Mr. DANBY SEYMOUR asked whether, supposing the Legislative Council of all India should propose to put on an income tax the local Council would be able to take that tax into consideration?

Sir CHARLES WOOD: No.

Mr. BRIGHT: And, therefore, if in any one of the provinces it was found that some tax was working very perniciously, much more so than others, I presume the local Council would not have power to meet to pass any resolution about it, or to make any representation with regard to it to the Legislative Council of Calcutta, without the consent of the Governor General? The effect of that will be to circumscribe the action of the local Councils very much.

Lord STANLEY said, he should be glad to know what class of subjects would come within the province of the local Councils to deal with, as almost every matter of public importance would fall within one or other of the categories included in the clause.

Sir CHARLES WOOD said, the measures that were set out, and which it would not be competent for the local Councils to deal with, were almost exclusively measures that must necessarily extend beyond the limits of the presidencies. Let them take, for instance, the conveyance of the post-office or the electric telegraph, the general code of India, and the naval and military forces of the Crown. All these were matters to be dealt with by the central authority, and not by the local Councils. Then, again, as to their relations with foreign powers, no person would say that was a question which the local governments should have the power to deal with.

Mr. CRAWFORD said, he might mention for the information of the noble Lord (Lord Stanley) that the local Councils would have the power of granting acts to corporations for local purposes, such as the power to raise local rates and tolls to effect improvements. There were various other subjects which would come within the scope of the local governments.

Clause *agreed to,* as were also the remaining clauses.

Sir CHARLES WOOD moved a new clause, consequential upon clause 50, providing for the temporary discharge of the duties of the Governor General in the event of a vacancy occurring.

Clause *agreed to* and added to the Bill.

House *resumed;*

Bill *reported;* as amended, to be considered to-morrow.

EAST INDIA (HIGH COURTS OF JUDICATURE) BILL.

COMMITTEE.

Order for Committee read.

Sir CHARLES WOOD proposed that the House should go into Committee on this Bill.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. BRIGHT said, he and many other Members had been in the House for seven hours attending to the first Bill, and they were really now completely exhausted. As for the right hon. Gentleman (Sir Charles Wood) himself, he must have an insatiable appetite for work if he wished at that late hour (half-past eleven o'clock) to proceed with an important measure of that kind. For himself, he (Mr. Bright) was not hostile to the Bill, but if the Motion was persisted in for going into Committee he must go away, in justice to his own powers of human endurance.

Sir CHARLES WOOD observed that they must proceed with some business, and as all the hon. Members who took an interest in Indian affairs were present, he thought it was a good opportunity for proceeding with the Bill.

Mr. VANSITTART said, he objected to going on with an important Bill like that at that hour. He and other Members had been in the House since five o'clock and were exhausted, and the right hon. Baronet looked most exhausted of all.

Viscount PALMERSTON said, that he thought that as all those who took an interest in the subject were present the opportunity should not be lost.

Mr. VINCENT SCULLY said, he considered the Bill more important than the last, and he should move that it be referred to a Select Committee.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Bill be committed to a Select Committee," instead thereof.

Mr. KINNAIRD said, he thought there was ample time left for the discussion of the Bill, on which he believed there were not many Amendments.

MR. J. B. SMITH said, they had already been engaged for seven hours in the discussion of Indian questions, and he thought they ought to adjourn the consideration of the Bill.

SIR JAMES ELPHINSTONE said, he also must urge postponement, on the ground that the Bill seriously increased the patronage of the Crown in India and reflected on the *status* and position of the Civil Service in India.

LORD STANLEY said, he would remind his right hon. Friend that when a number of Members wished a Bill to be postponed there was little use in the Government urging it forward. As to the proposition of the hon. and learned Member for Cork to refer the Bill to a Select Committee, he had made the same proposition with regard to the previous Bill, and substantially, if not in form, that Motion was adopted, for he believed the Members who attended the discussion were not more than would have attended a Select Committee.

SIR CHARLES WOOD said, as it appeared to be the general wish of the House, he would postpone the Bill until the next day, when he would state for what day he would fix it.

Amendment and Motion, by leave, *withdrawn.*

Committee *deferred* till *To-morrow.*

INDUSTRIAL SCHOOLS BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clauses 16 and 17 *agreed to.*

Clause 18 (Case of Child chargeable to Parish),

MR. BARROW said, he objected to it on the ground that it deprived the guardians of their proper control over the children entrusted to them, and threw upon parishes additional expense. It would also give to a single magistrate power to determine that which whole benches of magistrates had been unable to determine—the very power which a few years ago caused the alteration of the poor law.

MR. HENLEY said, the clause as framed was wholly unintelligible, and he should like to hear the interpretation of the Secretary of State of it. If, as appeared to be the case from the clause, the child was to be made chargeable on the parish from which he was sent to the school, all he could say was that a great injustice was done to the parish.

SIR GEORGE LEWIS said, he was prepared to admit that a difficult question as to chargeability might arise under the clause; but then the object was plain that so long as the child continued a burden on the parish the payment in the first place being taken from the Treasury would ultimately be taken from the parish.

MR. HENLEY asked, whether the Secretary of State meant, if a child entered a parish and was transferred to the industrial school, he was to be chargeable to the parish in which he was found?

SIR GEORGE LEWIS said, that was the way, certainly, in which he understood it. If the Committee thought the power unreasonable as against the parish he should not insist upon it. It was a question between the public and the parish, and if the Committee thought the payment ought to be ultimately made by the public, he should not object.

MR. KENDALL said, he believed the interference with the control of the boards of guardians would destroy their zeal. They would be compelled to pay 5*s.* a week for the support of a child in the school who could be maintained out of it for 2*s.* 4½*d.*

MR. HENLEY said, that if there was to be a summary remedy given by a single magistrate it was only right to make the law clear.

SIR GEORGE LEWIS said, he was of opinion that the Amendment which had been introduced would enable the clause to work efficiently and well. He would, however, revise it, and if it were not then approved of he would consent to its being expunged.

MR. BARROW hoped the clause would be abandoned. It was, in his opinion, an abrogation of the entire poor law of the kingdom.

MR. HENLEY suggested that the clause should be negatived, and that the right hon. Gentleman should propose a new one upon the Report.

SIR GEORGE LEWIS said, he would do so.

MR. NEWDEGATE said, there appeared to be an understanding that though the clause was to be negatived its object was to be carried out in another manner.

SIR GEORGE LEWIS said, that there was no understanding further than his undertaking to bring up another clause.

MR. NEWDEGATE said, it was useless to legislate until the Report of the

Committeee which was inquiring on this question had been presented.

Mr. LIDDELL said, the guardians had not performed their duty towards the children of the poor, and the House in considering the question ought not to be met by the obstinate guardian interest.

Mr. HENLEY said, he must protest against the assertion that the guardians, for the sake of protecting the ratepayers' pockets, neglected the children who became chargeable. It ought to be remembered that they had nothing to do with children who did not come to them for support—with the Arab children of the streets. He thought such sweeping denunciations uncalled for. The Committee had seen plenty of assertions on this subject, but very little fact, and he had called for a return of the children who had passed through the workhouse schools, so as to see what had become of them, and to get at the rights of the question.

Mr. CAVE referred to Mr. Cumins's statements upon the Plymouth Workhouse Schools, and said the Report of the Royal Commissioners stated distinctly that the guardians did not fulfil their duty, and that a large majority of children brought up in workhouses turned out badly. He had no wish to make a sweeping charge against guardians who had a difficult duty to perform; but this was the statement of the Report, and he supposed it was carefully considered.

Mr. HENLEY did not think Plymouth ought to taken as a specimen of the towns of England.

Colonel W. STUART said, that a return taken in a district in the midland counties, comprising many large towns, with a population of 1,500,000, showed that there were only thirty women in the workhouses on a particular day, who, having been educated in the workhouse schools, had returned to the workhouse in a degraded state.

Clause 18 *struck out.*

Clauses 19 to 26 *agreed to.*

Clauses 26 to 30 inclusive *struck out.*

Clause 31 *agreed to.*

Clause 32 *struck out.*

Clause 33 *agreed to.*

Clause 34 (Application of Act to existing Certified Schools),

Mr. WHALLEY said, he wished to draw the attention of the Committee to the fact, that in the neighbourhood of the Metropolis several of the existing schools had been made use of for the purpose of maintaining monasteries and nunneries. The monies granted for these institutions had been converted to the support of establishments which were absolutely illegal.

Clause *postponed.*

Mr. BUXTON said, that in the absence of his hon. Friend (Sir Stafford Northcote) he would move as an additional clause, that

> "On the application of the parent, or of the managers, or of the guardians who may be liable to make any repayment as aforesaid on account of any child, any justices of the county in which the school is situate, if satisfied that a suitable employment in life has been provided for the child, or that there is otherwise sufficient cause, may discharge the child from the school before the full expiration of the period for which he has been sent there."

Mr. CAVE thought the clause unnecessary. Under the present system, application was made to the Inspector of Schools for a Secretary of State's order for discharging a child, and the reply usually came by return of post.

Sir GEORGE LEWIS said, the Secretary of State would feel it his duty to discharge the child under the circumstances stated without the intervention of a justice of the peace.

Mr. SCLATER-BOOTH supported the clause.

Clause *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered on *Monday,* 1st July.

SALMON AND TROUT FISHERIES BILL.

SECOND READING.

Order for Second Reading read.

Mr. BARROW said, he must object to proceeding with the measure at that late hour, and he should, therefore, move the adjournment of the debate.

Sir GEORGE LEWIS said, if the House would agree to the second reading the Government would have no objection to remit the Bill to a Select Committee.

Mr. HENLEY said, he hoped the Bill would be greatly altered before the Select Committee. It was a great misfortune that it dealt with trout as well as salmon. Unless the Committee came to their relief, the Bill would impose upon magistrates the necessity of possessing a very minute knowledge of natural history; or when they came to carry out the Bill they would be very much puzzled by the definitions in it. Some fifty different things were described as "salmon," and it was stated that "trout" was to include all fish of the trout species not comprehended under the term "salmon." He thought also that the common law remedy against nuisances in rivers would be sufficient without the stringent provisions in the Bill. Considering that the boards to be appointed were to deal to a great extent with private property, he thought the proposed constituency, which was to include those who paid *5s.* for a licence, rather a strong one, and that very arbitrary powers were vested in the boards. He also deemed it very hard that people should be taxed for leave to fish in any river where trout or salmon had once been seen, and objected strenuously to the payment out of the public funds of an unlimited number of inspectors, who would be always putting their noses into everybody's face and their hands in everybody's pocket. There were other objections he had to urge against the measure, and if they were not obviated by the treatment the Bill received from the hands of a Select Committee, to which he was glad to find it would be referred, he should advance them strenuously when the opportunity offered. But as they were all matters that could be dealt with in Committee he should not oppose the second reading of the Bill.

Mr. W. E. FORSTER said, he should vote for the second reading, but he thought that some further protection should be afforded to millowners.

Colonel PENNANT said, that one of the clauses would seriously affect rights in tidal waters, however long they had existed; such rights, for instance, as that of putting fixed nets in streams. It would be a bad precedent to enact such a provision. The constitution of the fishery boards also might be extremely objectionable in certain cases, as interfering with the rights of persons having property in rivers.

Mr. BENTINCK said, he hoped the Select Committee would be composed of Members who had some knowledge of the subject.

Mr. CLIVE said, he agreed that there were exceptional cases which might be provided for specially. As to permanent nets, he thought they would be found to be almost all of recent introduction, and he doubted whether any prescription could be established in regard to many of them. Where there was prescription it might be specially dealt with. As to poisoning rivers, it was not the intention to deal hardly with those cases in which the evil had resulted from manufactures. As to the right of the bailiffs to go upon the adjoining land, he thought that was necessary to prevent the fish from being unfairly dealt with.

Bill read 2°, and *committed* to a Select Committee.

CHATHAM DOCKYARD ENLARGEMENT BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Lord CLARENCE PAGET stated that he believed there was no opposition to the Bill on the part of Chatham. He had, however, received a communication that the Corporation of London proposed to put in a saving clause with the view of preserving the corporation rights. He did not believe the Bill would interfere in any way with those rights. But he could not agree to insert the saving clause in the Bill that night until he had had an opportunity of consulting the legal adviser of the Admiralty.

Mr. HENLEY said, that under those circumstances it would be far better to postpone the Committee on the Bill.

Lord CLARENCE PAGET said, he proposed to pass all the clauses but one, so that it would be competent for the Committee hereafter to introduce the clause into the Bill if it should be thought necessary.

Clauses 1 to 26 inclusive *agreed to.*

House *resumed.*

Committee report Progress; to sit again *To-morrow.*

House adjourned at half after One o'clock.

HOUSE OF LORDS,

Friday, June 21, 1861.

Minutes.] Public Bills.—1ª Larceny, &c.; Malicious Injuries to Property; Forgery; Coinage Offences.

2ª East India Loan.

CRIMINAL LAW CONSOLIDATION.

The LORD CHANCELLOR moved that four Bills on the subject, which had passed the Commons, should be read a first time, and congratulated the House on their progress.

LORD BROUGHAM heartily joined in the congratulations of the Lord Chancellor. His hopes were now sanguine that we should at length have a digest of at least the criminal law, and it had been, hitherto, almost impossible not to despair. For many years he had laboured strenuously to obtain this great benefit to our jurisprudence and to the county. Above twelve years ago he had so far succeeded that the Commissioners, whom when in office he had appointed, having reported the heads of a Bill he had framed, a digest of which was fully discussed in a Select Committee; and another digest had been afterwards prepared by him from the report of the learned and experienced Commissioners, and afterwards examined by a Select Committee, with the assistance of experienced and skilful practitioners. We had the invaluable assistance, also, of Members of this House, not law Lords, of whom one might be named, as he was not now present, Lord Overstone, whose high commercial station, and whose great weight, arising from his position, but still more his eminent sagacity and acuteness was of incalculable value in the inquiry. But, when all was prepared and reported to the House, it was found utterly hopeless to have the other House's adoption of it. If that House, with all its magistrates and lawyers, were to discuss three or four hundred clauses of a digest, whose only purpose was the consolidation of the law and not its alteration, it was absolutely impossible that it should be carried. There was but one way of having such digest, if you really desire to have one. As Lord Lyndhurst had observed, either you wish for a digest or you do not. If you will not commit the preparing it to men in whom you can confide, but are resolved to have each word discussed in the Commons, confess at once that you do not want to have a digest. Only consider how the discussion must go on. The magistrates are a most valuable body of men; they perform inestimable service to the country with the utmost integrity, the most exemplary diligence, and fair ability. But they are not made for discussing the phraseology of Acts of Parliament. The bare idea of two or three hundred clauses, discussed clause by clause, in a House having half a hundred county justices, twenty or thirty town magistrates, and many more country gentlemen, whose solicitors, or whose sons preparing for the Bar, set them on and furnish them with objections to every other word of the digest, was enough to make the least somnolent slumber, and turn the steadiest head. There is but one way of obtaining what we all want, and that is to delegate the details to skilful and trustworthy persons, and to adopt the result of their labours. The Commons, happily, have at length admitted this truth in passing the Bills sent down from this House, and he rejoiced so heartily in the prospect afforded, that he no longer regretted the long years of labour which he had bestowed on it, and till now without hopes of the public or the law reaping any fruit from his toil.

THE INDIAN NAVY.

THE EARL OF ELLENBOROUGH rose to put a Question to the noble Duke at the head of the Admiralty on the subject of the Indian Navy. Having read a passage from the speech of Mr. Laing proposing a reduction of the Indian Navy, the noble Earl said that from this speech he was afraid Mr. Laing was not aware of the original purpose for which this navy was established. It never was intended to place it in a position to contend with any European Power, for everybody knew that in any such contingency a naval force would be sent out from this country. It was created for local purposes only—for putting down piracy, transporting troops and treasure, and other duties which Her Majesty's ships were in the habit of performing in times of peace. So far back as thirty years ago he had calculated that a reduction might be made in the expenses of the Indian Navy by the employment of Her Majesty's ships for these purposes—he calculated the saving by such a change at something like £100,000 a year; but he had always contemplated that the Indian Government should pay for the European force, which might be employed on their requisition by Her Majesty's Government, and that that force should be as much at its disposal as the purely local force. The difficulty was, however, that the Admiralty always reserved to themselves the absolute command of every force which they despatched to any part of the world, and would not delegate it to the Indian Government on any other authority. If the Government of 1846, when he was at the head of the Admiralty, had lasted for a longer period he had no doubt that an arrangement would have been made; but it was brought to a sudden termination, and there had been no opportunity since of renewing the discussion of the matter. He wished to know who was to pay for the naval force to be substituted for that now employed in India. If the Indian Government were to pay for it the reduction of expenditure contemplated by Mr. Laing could hardly be maintained, and if this country were called upon to pay for an additional naval force to supply the place of these ships this would seriously interfere with the surplus anticipated by Mr. Gladstone. As the Indian Navy was doomed he could not help saying a word in its favour. It was originally called the Bombay Marine, and had performed very considerable service on many occasions. In the first war with Ava it performed considerable service; and the first steamer ever employed in war was a steamer belonging to the East India Company. Again, in the China war of 1839, the first iron steamers were employed in that war and were manned by crews in the service of the Company; and it was only due to the Indian Navy to say that it had done good service whenever it had been called upon. If the proposed arrangement were carried out, he hoped the noble Duke, the first Lord of the Admiralty, would take into consideration the expediency of establishing a Native force of Arab marines under the command of local officers speaking their language. To every one of Her Majesty's ships sent for service in the Indian seas a small body of these marines ought invariably to be attached, or, otherwise, these vessels would often have no means whatever of communicating with the shore. What he desired to know was what arrangement had been made for the purpose of placing at the disposal of the Indian Government a sufficient force of Her Majesty's ships to supply the place of the Indian Navy, and whether the expense would fall upon the Indian or the English Treasury?

THE DUKE OF SOMERSET said, the question put to him was one of great importance, and had occupied considerable attention on the part of Her Majesty's Government; but they had not yet come to any absolute conclusion upon it. With regard to the financial part of the scheme, he believed the Indian Government had taken sufficient funds for this year amply to provide for such naval service as they required, the amount of the service being very much reduced as compared with previous years. A question which had a further financial bearing was whether the Indian Navy should be entirely abolished, or whether a certain proportion of vessels should still be retained for river service and coasting communication, in the event of the further naval defence of India being intrusted to Her Majesty's Navy. This was a view which had been favourably considered by the Government; but up to the present time his right hon. Friend (Sir Charles Wood) had come to no definite conclusion. If the British Government were to take upon themselves additional expenditure on account of the naval requirements of India, of course it would be but fair to this country that the Indian Exchequer should, to some extent, contribute to that expenditure. That question had not yet been fully considered, nor whether the Indian Navy should be entirely abolished, or some portion of it retained. Probably a portion of the smaller vessels of the Indian Navy would be retained. From all he had heard of this navy, he believed it had always done its duty, and he fully admitted that its services ought to be duly remembered by the House.

THE EARL OF ELLENBOROUGH said, he had heard with great satisfaction the opinion of Her Majesty's Government in favour of retaining the smaller vessels. As to retaining the larger vessels, he would say that if they were retained they would be found valuable in the case of any sudden emergency, because on the breaking out of a war in India before the news arrived in England the Indian fleet might be in action.

PRIVATE BILLS—STANDING ORDERS.

STANDING ORDER No. 185.

LORD REDESDALE moved, that the Standing Order No. 185 (formerly 223) be considered, in order to its being amended in the following manner:—After paragraph 2, to insert—

> "3. That no Provision authorizing any Company to raise Money or to subscribe towards or to guarantee any Money in the Undertaking of another Company, shall be introduced into any Bill which is not brought in by the Company thereby authorized to raise Money or to subscribe or to guarantee."

It had been said that such a provision would interfere with the establishment of branch railways; but he maintained that there would be no such interference in the case of lines which were really required. Such branch lines were frequently got up without first obtaining proper support from the companies of the main line itself. The effect of the adoption of the Amendment to the Standing Order would be that the promoters of small railway schemes must, in the first place, go to the Company from whom they expected to receive assistance, and who would then consider it, and see if fair exertions had been used to obtain that independent support of the line which it was right that it should receive. And having been satisfied that that had been the case, and that they had failed, they themselves would then bring in the Bill. He had been in communication with several Chairmen of Committees of the House of Commons upon the subject, who generally approved of the Amendment. They agreed that some legislation was required to check the practice of forming small branch line companies without independent capital, and only in the expectation of obtaining the necessary funds from the Company of the main line; and one of these Gentlemen mentioned that in the course of the present Session a railway Bill came before him for the construction of a branch line, which was estimated to cost £400,000. It turned out that in that case, although only £3,300 had been paid up on calls, the sum deposited under the Standing Orders was £37,000. From what fund it was supplied, however, did not appear; but it came out in the course of the inquiry that the whole of the remainder of the capital, upwards of £300,000, was to be raised by the London and North-Western Railway Company.

THE MARQUESS OF CLANRICARDE said, that his experience of branch lines was that they were usually projected by the residents in particular districts upon their finding that it was almost intolerable to be left without railway communication. They then exerted themselves to get up subscriptions for the purpose, and very naturally went to the railway company whose line they proposed to join, and with whom the first and main consideration was whether there was any other competing line to which the traffic of the district could go if they did not secure it for themselves. If they found that the traffic could not go upon any line but their own, then they would be in no hurry whatever to assist the new branch line. They would consequently turn their attention to other cases where they feared competition more, and to the district in which they were most exposed to competition, not to that which required a railway most, they would apply their resources. He took quite a different view of the subject from the noble Lord. His opinion was, and it was fortified by his experience throughout the United Kingdom and the Continent of Europe, that the wonderful advantage of these instruments in the development of wealth had been proved to such a degree that to encourage the construction of lines in districts which were not at present provided with railways was alike consistent with reason and sound sense. In Ireland the country might be said to be divided between two great companies; and it was notorious in the cases of small branch lines that the only question was in which district would they run? If a company found that a district was bound to them it had small chance of being assisted to form a branch line; or that the line ran into their rival's district, of course they would have nothing to do with it; whilst no assistance was to be obtained from the other. He had been assured by several friends in Great Britain that they were very similarly circumstanced; and that the assistance which they were able to get from the great companies mainly depended upon whether they had any chance of rivalry or opposition from other quarters. He was, therefore, very averse to adding another impediment and difficulty in the way of the formation of these branch lines. He had never heard of any branch line doing much mischief, and very few had been given up. The great companies would always take care not to lend their money too hastily; and he did not see why agricultural districts that were without commercial wealth should not have fair facilities offered them for developing their resources. The Amendment to the Order would add to the expense and difficulty of obtaining such branch lines.

EARL GRANVILLE said, he did not think the object of the noble Earl would be attained by the Amendment to the Standing Order. There were few great railway companies that had not made arrangements of this kind; and, should the Standing Order be amended as proposed, he feared it would deter those companies from promoting the construction of branch lines that were essential to the completion of the railway system of the country. He thought it was the duty of Parliament to simplify as much as possible the complicated system of railway legislation, and diminish its expense. But it was quite clear that the Amendment would augment the expense. Any change had better be made by some general Order in which both Houses could concur; and being unwilling to take the responsibility of the proposed change by this House only, he should oppose the Amendment.

Lord LIFFORD concurred in the remarks which had fallen from the noble Marquess. The effect of the Amendment of the Standing Order would be to protect one great interest in the country, and that was the interest of the law, by increasing the expense of railway Bills and promoting litigation; and he trusted that the noble Marquess's argument would induce his noble Friend to withdraw his proposal.

Lord PORTMAN also opposed the Motion, the adoption of which, he contended, would throw immense difficulties in the way of small railway lines, which could only be constructed by the assistance of the larger companies.

Lord REDESDALE held that the Amendment would have the effect of putting all parties on a just and proper footing, in regard alike to themselves, the public, and Parliament. He granted that without the assistance of the larger companies many smaller schemes could not be carried out, and he did not object to that assistance being supplied; but what he wanted was that it should be given in a proper form. His Motion would ensure prudence in the action of the parties at the first starting of the scheme; whereas at present more than half the schemes which came before Parliament had no foundation whatever.

Lord STANLEY of ALDERLEY objected to the introduction of special legislation as regarded railways merely by the Resolution of one House of Parliament, and the establishment by one Standing Order of a general law applicable to all railways in which the House of Commons was not asked to concur. If legislation of this kind was required it should be provided by the joint action of both Houses, and by a general Order which would be applied by both Houses. He had another objection to the alteration—that it would necessitate the application to Parliament by both companies, the assisting and the assisted, and thus the inconvenience and expense would be greatly increased.

Lord TAUNTON said, he did not perceive the force of the noble Lord's objection, as if this House adopted the proposed Amendment it would be quite open to the other House. He thought there was great force in the argument of the noble Lord who had proposed the Amendment.

The Earl of DERBY said, he had the greatest possible respect for the opinion of his noble Friend the Chairman of Committees, and agreed, moreover, in the general policy of his Motion. He could not, however, but think that the terms of the Resolution went beyond the necessity of the case. He would, therefore, suggest to his noble Friend whether his object would not be entirely answered if, instead of the Bill being introduced by the company proposing to advance the money, the Bill were not allowed to pass unless there were an undertaking—which might be inserted in the preamble—binding the company proposing to advance the money to fulfil that stipulation? It would perhaps be sufficient if the assisting company appeared before the Committee and signified its willingness to bind itself, and if its undertaking were then recited in the Bill.

Earl GREY thought that before the Bill was brought in the assent of the company intending to subscribe should be obtained. A Standing Order ought to be adopted requiring satisfactory proof to be given that the other company was willing to bind itself to advance the money.

Lord REDESDALE said, he would endeavour to modify his Resolution in accordance with the suggestion of his noble Friend, as he merely wished to carry the House with him as far as possible. At the same time he retained his opinion that unless the parties who were to advance the money were themselves either joint promoters of the Bill, or in some way concerned in it, the object in view could not be satisfactorily attained. He would, however, not press his Resolution at present, but take time to frame it in another shape.

Motion (by leave of the House) *withdrawn.*

CHURCH BUILDING ACTS AMENDMENT BILL.—SECOND READING PUT OFF.

The Bishop of CHICHESTER (who was very imperfectly heard), in moving the Second Reading of this Bill, said the object of the measure was to remove a serious practical difficulty in the way of supplying additional spiritual instruction for populous districts. Under the Church Building Acts, when a new church was proposed to be erected notice was required to be given to the patron and the incumbent of the parish, in order that if they were willing to undertake the expense of providing more church accommodation they might have the priority in doing so. But in certain districts where there was an increasing population no patron and no incumbent had existed for centuries past. The right rev. Prelate was understood to state as an instance, that some four centuries ago an encroachment of the sea destroyed several parishes lying between Hastings and St. Leonard's, leaving a narrow slip of land between the sea and the steep cliffs which rose above. Of late years a great number of houses had been built here, occupied by a population of several thousand persons, and churches had been erected; but it had been found impossible, as the law now stood, to place the ministers of these churches in the full and proper relation in which they ought to stand towards those to whom they ministered. When he applied for an assignment of a district to these churches to the Church Building Commissioners, and afterwards to the Ecclesiastical Commissioners, to whom had subsequently been transferred the powers formerly possessed by the Church Building Commissioners, he was always asked, "Have you given notice to the patron? Have you given notice to the incumbent of the parish?" Why, ever since the parishes had been swept away by the irruption of the sea, leaving only these fragmentary slips of land, there had been no patron, there had been no incumbent. "Well," replied the Commissioners, "under the circumstances we can do nothing. We cannot assist you in accomplishing the praiseworthy object of placing the ministers of the different churches in a right position towards their congregations." The Bill which he now asked their Lordships to read a second time had no other object in view than to remedy this difficulty, and to enable the ecclesiastical Commissioners, in cases where there was neither patron nor incumbent in existence, to proceed as if the provisions of the Church Building Acts requiring notice to be given to the patron and incumbent had been complied with.

LORD PORTMAN thought the Bill was not so simple as the right rev. Prelate described it. It dealt, not with St. Leonard's only, but it went elsewhere. How could it be said that there was no patron? Why a man might start up any day and say, "I am the patron." The specific instance proposed to be dealt with was that caused by the incursion of the sea at St. Leonard's but the Bill said, that wherever, by the encroachment of the sea or any other cause, there was no incumbent the consent of the incumbent should not be required. The Bill, therefore, interfered with the rights of the Crown and of private patrons without providing carefully for ascertaining who the persons entitled might be. Again, the Ecclesiastical Commissioners were to be considered the patrons where there was no other patron; and all marriages celebrated in the churches affected by the Bill were to be deemed marriages in the parish church. The Bill required much consideration on the part of their Lordships before they agreed to a second reading.

THE LORD CHANCELLOR said, he was not prepared to give advice with regard to this Bill. There were already so many Church Building Acts that if they were bound together they would make an unwieldy volume. He concurred with the noble Lord who had last spoken, that the Bill required careful consideration before the second reading was assented to.

THE BISHOP OF CARLISLE remarked that these churches were in a most novel and anomalous position; and it was most desirable to place the ministers on a proper footing in relation to their congregations.

THE BISHOP OF CHICHESTER stated, that in framing the Bill he had obtained the assistance of a professional gentleman, who had had at least as many dealings with the Church Buildings Acts, and as much experience in drawing Bills, as any man in his profession; he meant Mr. Bellenden Ker. He was quite willing to postpone the second reading, in order that their Lordships might have time to fully consider the subject.

Second Reading *put off* to *Thursday* next.

EAST INDIAN LOAN BILL.

SECOND READING.

Order of the Day for the Second Reading read.

EARL DE GREY AND RIPON, in moving the second reading of this Bill, said the necessity for the loan which it gave power to contract did not arise from any deficiency of income or excess of expenditure in India, but simply from the state of the cash balances in the home Treasury. Those who were acquainted with Indian matters would be aware that, speaking theoretically, there was no mode by which the Home Treasury could be supplied except by remittances from India; but, of late years, since the establishment of the railway system, the Indian railway companies had been accustomed to pay into the Home Treasury the sums necessary for the execution of their works, and money was advanced to them in India by the Indian Government; so that between the two there had always been balances in the Home Treasury which rendered actual remittances from India unnecessary. At the end of the financial year 1860 these balances amounted to £2,220,000; but, owing to short payments by the railway companies and the state of the money-market during the past year, at the end of the last financial year, the balances had fallen to a little less than £370,000. In addition to that, owing to the state of the cash balances in India, the Secretary of State had thought it advisable, in order that the railways now in the course of construction in India should not be stopped, to remit the sum of £1,000,000 sterling to India. The estimated amount of expenditure in England on Indian account for the current year was £9,500,000; the estimated expenditure on railways, £8,000,000, composed of £6,000,000 to be spent in India, and £2,000,000 at home; so that, if it were borne in mind that two sums expended for railway purposes in India was the only form in which a remittance to this country could be looked for, there would remain £3,500,000, at least, of home expenditure on Indian account to be provided for in this country. In order, therefore, to meet the demands which would thus be made on the Home Treasury his right hon. Friend found it necessary to apply to Parliament for authority to borrow the sum of £4,000,000 in this country, and to give him that authority was the object of this Bill.

Bill read 2^a, and *committed* to a Committee of the Whole House on *Monday* next.

GREENWICH HOSPITAL BILL.

REPORT.—ORDER DISCHARGED.

Order of the Day for receiving the Report of the Amendment read.

The Duke of SOMERSET said, that in consequence of the objections which had been raised against this measure in this House, and the still more powerful opposition which he understood would be raised in "another place," upon the ground that the Bill was objectionable in its form, inasmuch as it should have originated in the House of Commons, he did not propose to proceed with it further. He wished, however, to say a few words, arising from a remark of the noble Earl (the Earl of Hardwicke), in reference to an appointment he had recently made to one of the livings. It would be satisfactory to their Lordships to know that that appointment had not been made for party or personal purposes. The circumstances were these. He had the appointment of a chaplain to one of the livings upon the Hospital property in the north of England; and he selected for the living a gentleman who had been chaplain in the service of the Admiralty on the Mediterranean and Black Sea stations. He was five years chaplain on board the *Albion;* and whilst he was there the ship's company was attacked most severely by small-pox and cholera, eighty men being carried off in a few days. This clergyman was, during this time, most assiduous in his attentions to the sick and dying. The ship's company's suffered in the attack on Sebastopol, the loss being eighty-seven men; and this same chaplain, on that occasion, assisted the surgeon to the utmost of his power. The surgeon and the paymaster were both wounded, and the chaplain continued to render assistance to the wounded sailors, and continued this assistance after he himself was slightly wounded. Having obtained a report to this effect from officers in command, he confessed he thought that the gentleman was very fit for the preferment; and he thought that their Lordships would see that he had been actuated by no other motive than zeal for the interests of the service. It would also be gratifying to their Lordships to know that since the gentleman had filled the living he had given the greatest satisfaction in the parish and was most popular in the neighbourhood.

The Earl of ELLENBOROUGH said, he recollected that when a boy the great living of Symington was divided into six livings upon the understanding that they should be given to chaplains in the navy as a reward for services; the object being to enable the Admiralty to induce a more respectable class to enter the service. The noble Duke had done right in promoting this gentleman, and the only doubt he had was whether the noble Duke ought not to have relaxed the Order in Council in his favour, and made him a commander in the navy?

The Earl of HARDWICKE disclaimed having had any intention of imputing to the noble Duke that he had used the Hospital patronage for political purposes. What he said was that Greenwich Hospital had been used by all parties for political purposes, and he thought the opportunity had now arrived for doing that which would at once put an end to the possibility of doing the same sort of thing for the future. He thought that the property of the Hospital should be managed by an independent body of persons selected for that purpose by the Crown, and responsible to Parliament; whilst the internal management of the Hospital should be regulated by the Governor, Lieutenant Governor, and other officers.

Earl GREY understood the Bill would re-appear in this House at a very late period of the Session, when he should certainly not be present. He would now, therefore, express a hope that a more effectual remedy for the evils which were allowed to exist in the management of the Hospital would be applied than that which had been suggested. He could bear testimony to the fact that Greenwich Hospital used to be considered as one of the great interests in the county with which he was connected. It was one of the great objects of any candidate there to secure that interest, and on one occasion—in 1826—it had told powerfully against himself. For the last twenty-five years or more this influence had not been exerted on either side, but it was impossible not to admit that there was some danger of a revival of this influence at a future time. That danger would not, however, be averted by the plan proposed. At present all our public servants were subordinate to Ministers; who in their turn were responsible to Parliament. If this sound principle were departed from, and an independent authority like that suggested by the noble Earl were created, abuses of a far more dangerous description would spring up than existed under the present system. Ministers of the Crown were liable to answer to Parliament for any such abuses, but permanent servants of the public would be exempt from this control; it would be difficult to make them properly responsible to anybody; and jobbing and mismanagement, of which we had no experience, would ensue if Parliament created what was known in foreign countries as a *bureaucracie*. The proper mode of guarding against the evils anticipated was by selling the Greenwich Hospital property. He was persuaded that the public was an essentially bad owner of landed property. On a long series of years it was impossible that land could be well managed on behalf of the public, though it was quite true that for the last twenty-seven years the Greenwich Hospital estates had been admirably managed. On referring to the Report of the Commissioners he found Sir James Graham expressed a strong opinion that they were not likely to get another Receiver who would manage the affairs of the Hospital with equal success. By the sale of the property the Commissioners themselves stated there would be an immediate accession to the income of the Hospital; and, considering the advantage to the country of having this property held by residents instead of absentees, he hoped the noble Duke would consider the expediency of selling it. There could not be a more advantageous time for effecting a sale than the present. A considerable part of the estates of Greenwich Hospital was sold about twenty-eight or thirty years ago, just before the present Receiver was appointed. But it realized a most inadequate price. Now, however, if the present Receiver were authorized to take measures for selling the property, under the control of the Admiralty, there was an opportunity of realizing its true value, to the great benefit of the public; it would also provide a security against future abuses and evils. It seemed almost an absurdity that this property should be retained by a public body. Of the whole expenditure of the Hospital, only a small proportion, about £40,000 a year, was derived from this property. Considering the hopeless task of creating an authority to which the management of a property of this kind could be safely trusted, he hoped the Government would weigh the advantages to be derived from selling it.

The Duke of SOMERSET said, the Bill on this subject would be introduced into the House of Commons, and he could only say that in the Amendments he should introduce it would be his earnest desire to meet the wishes of their Lordships.

The Earl of ELLENBOROUGH trusted that the Bill to come up from the other House would not contain words to the effect that any number of places might be created, at any amount of salary.

Order *discharged;* and Bill (by leave of the House) *withdrawn.*

INDIA (COMPETITIVE EXAMINATION)— EXCLUSION OF NATIVES FROM ARMY MEDICAL SERVICE.

PETITION—ADDRESS FOR PAPERS.

LORD MONTEAGLE rose to present a Petition from certain British subjects—Parsees—Natives of India, complaining of their exclusion from the competitive examination required for appointments to office. He would also move for all Official Correspondence relating to their case. He said, the question he felt it his duty to bring under their Lordships' notice, not only stated a grievance of which the petitioners had the justest right to complain, but involved the still more important question of the obligations the Legislature of the United Kingdom had contracted in reference to British subjects in India, and of those obligations the Crown had more recently assumed on the transfer to the Sovereign, of the Government of the Indian Empire. This question included the civil rights and privileges of the Natives of India, and their eligibility to all official appointments under the Government. He did not wish to state the case of the petitioners without assuring the House that he brought it forward without any wish to express any reproach or imply any mistrust of the conduct of the present Governor General; he wished to speak of the conduct of Lord Canning, from his arrival in India to the present time, with all the respect that was so justly due to him, and more especially for the justice and sympathy he had manifested for the Natives. The Act of Parliament to which he first wished to call attention was that of 1833—the Charter Act of 1833 (3 & 4 *Will.* IV. c. 85)—the 87th Clause of which statute enacted, that

> "No Native of India nor any natural-born subject of Great Britain, nor any natural-born subject resident therein, should, by reason only of his religion, place of birth, or colour, be disabled from holding place, office, or appointment under the East India Company."

The words of that clause had his entire concurrence. They were comprehensive; admitting of no doubt or exception. But he grieved to say that there was conclusive evidence to prove that, in practice by the construction given to the words he had read, they had been made subject to the most narrow and ungenerous limitation. What was the just meaning of the clause, and the intention of Parliament he would prove by referring to the authority of the statesmen by whom this Bill was prepared, or supported. At that time Mr. Charles Grant, now Lord Glenelg, was President of the Board of Control; Mr. Charles W. Wynn had been his predecessor; Lord Macaulay filled the office of Secretary for India; the Duke of Wellington, a great authority on all subjects, but especially on Indian affairs, was in the maturity of his power; the Marquess of Lansdowne had undertaken the charge of the India Bill, representing in this duty, the Government of the late Earl Grey. Those Statesmen all expressed their high approval of the 87th Clause, or, of the principle on which it rested. That clause had not been carelessly framed, or, surreptitiously introduced. It was carried unanimously, its object and its consequences having been first pointed out, and the special approval of Parliament, justly claimed and given to its authors and their supporters. Mr. Wynn, who had at that time quitted Earl Grey's Government, stated on the 10th of July—

> "It is with great pleasure I have heard a declaration that all Natives of India, without regard to colour, descent, or religion, should be eligible to every office under the Government which their education might qualify them to fill." He went still further, declaring emphatically "That the only principle on which India could be justly or wisely administered was that of admitting the Natives to a participation in the Government, and allowing them to hold every office, the duties of which they were competent to discharge."

Lord Macaulay, on the same day, in one of the most powerful and finished of his orations, described the 87th Clause as "wise, benevolent, and noble, enacting that no Native of our Indian Empire shall, by reason of his descent, colour or religion, be incapable of holding office. To the last day of my life," he added, "I shall be proud of having been one of those who assisted in the framing of the Bill which contains that clause." He concluded by asking, "Do we think that we can give knowledge without awakening ambition; and do we mean to awaken ambition and to give it no legitimate vent?" The Duke of Wellington was somewhat more guarded, but without differing in principle. His words were—

> "If there was one point on which all parties had agreed—and he made this assertion from a perusal of the evidence taken before the Committees which sat in both Houses—it was that the Natives of India should, as much as possible, be employed in the revenue and judicial establishments of the country. That point was again and again impressed on the attention of Ministers in the evidence of the last Session."

The organ of Earl Grey's Government,

the Marquess of Lansdowne, was still more explicit in his statement of the facts, and in his exposition of the Bill, of which he moved the second reading—

> "It was part of the new system which he had to propose, that to every office in India, every Native of whatever caste, sect, or religion, should be by law equally admissible; and he hoped the Government would seriously endeavour to give the fullest effect to this arrangement, which would be as beneficial to the people themselves as it would be advantageous to the economical reforms which were now in progress in different parts of India. The Natives," he continued, "are alive to the grievance of being excluded from a larger share in the Executive Government. They are at present only employed in subordinate situations in the revenue, judicial, and military departments. It is amply borne out by the evidence that such exclusion is not warranted on the score of incapacity for business, want of application, or of trustworthiness; while it is contended that their admission, under European control, into the higher offices would strengthen their attachment to British connection, and would conduce to the better administration of justice."

This evidence is conclusive with respect to the intentions of the framers of the Charter Act of 1833, and gives an unimpeachable commentary on the true meaning of that statute. The fundamental principle on which it rests never had a more decided support than from a noble Earl (the Earl of Ellenborough) now in the House, and whose high abilities and eloquence have never been more brilliantly employed than upon Indian affairs in assisting and guiding the deliberations of Parliament. He observed in 1830, that

> "Among the means of reducing expenditure was the very desirable one of reducing gradually the number of Europeans employed, and of bringing forward, though gradually and with extreme caution, the most deserving Natives by employing them in situations of higher authority and trust than they had hitherto been accustomed to fill."

The next period to which he would refer was 1853, when the renewal of the Charter again took place. While this latter Bill was in progress through the other House he (Lord Monteagle) inquired, perhaps somewhat prematurely, of his noble Friend (Earl Granville) whether the principle of competition for the civil service would be extended to Natives of India. The conversation which took place in the House of Lords on the 13th June (*Hansard's Debates,* vol. cxxviii. p. 48) was irresistible in showing that the declarations made by the Government of Earl Grey in 1833 were repeated, adopted, and strengthened by their successors in the Cabinet of the Earl of Aberdeen twenty years subsequently; and of that Cabinet the leading persons in the present Administration were members. On that occasion he (Lord Monteagle) raised the discussion as follows:—

> "Lord Monteagle: The question which he wished to ask the Government was this, Whether the principle of competition proposed to be applied to the Civil Service would be extended to Natives of India as well as to European-born subjects of the Crown? Supposing the case of a Native medical student, being the Queen's subject, born at Calcutta, would he be admitted to the free competition for a medical appointment, in the same manner as if he were European born?
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> "Earl Granville, in answer, had not the slightest hesitation in saying that, if Natives of India arrived here competent to pass the required examination, they would gain the appointment awarded, in free competition, the same as if they had been born in Europe.
>
> "Lord Monteagle stated that he received this reply with the greatest delight—less from any large immediate consequence to which it would lead, than from the all-important results which it must produce, in carrying out eventually the full meaning of the 87th Clause of the last Charter Act and the intention of its framers. It had been stated by Lord Lansdowne in 1833 that there should be an entire equality among all the subjects of the Queen, whatever their colour or their religion. He considered the reply now given by the Government, through Earl Granville, to be a fulfilment of this engagement. It would be the entire destruction of the monopoly of what was called the covenanted service as now understood. He was mistaken if there had not been, with respect to these covenanted appointments, a violation of the law of 1833 as it had passed.
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> "The Marquess of Clanricarde desired to express his great satisfaction at the statement of Earl Granville that the Natives of India would hereafter be eligible for the highest civil appointments. That certainly was a great step.
>
> "The Earl of Albemarle: A great stress has been laid on that portion of the Government plan which laid the higher departments of the civil service of India open to the Natives of the country; but so long as their admission to this competition depended merely on a single clause in an Act of Parliament, which was liable to be set aside or disavowed by subordinate authority, he, for one, must be allowed to state that his objections would remain as strong as ever."—*Hansard* cxxviii. pp. 48, 56.

Upon moving the second reading of the Bill in that House, August 5th, the noble Earl (Earl Granville), who had charge of the India Bill, said he was bound to admit that the intentions of the Legislature had not, up to that time, been carried out, and that the Natives of India were not employed to the extent which he should wish them to be employed, but that the Bill he then proposed would give a free entry for Natives of India into the covenanted services. Again, on the 8th and 12th of August, the same subject was resumed, and an explanation was given by Earl Granville, pointing out the reason why the exclusion of Natives from th covenanted service had been hitherto enforced, but why Parliament might confidently expect that such exclusion would cease on the passing of the Bill then before the House. He (Lord Monteagle) then adverted to the circumstance that,—

> "Notwithstanding the 87th Clause introduced into the Act of 1833, renewing the Company's Charter, and declaring the eligibility of Natives to the covenanted service, not one had ever been admitted, recommended a clause, declaring that no natural-born subject of Her Majesty should, by reason of colour, or religion, or place of birth, be incapable of holding office and employment under the Company, whether in the covenanted or uncovenanted service. If this clause should not be inserted in the Bill, the Company might treat the wishes and intentions of the Government in this respect as mere moonshine. He begged to give notice that he would bring up this clause on the third reading, in order that his proposal might stand recorded in the Journals.

> "Earl Granville observed, that the aptitude of Natives for certain departments of the service had been satisfactorily established before the India Committee. If, therefore, he objected to the noble Lord's clause it was not from any doubt that Natives of India would be found fully qualified to fill the offices referred to in it. The noble Lord's clause, however, was directed against an imaginary evil. The reason why Natives had not been employed in the Civil Service was this—The clause in the existing Act was merely permissive, and the Civil Service being entirely dependent on nomination, it had happened that no director had nominated a Native. Had a Native been nominated, he must have been employed. The present Bill abolished the system of nomination, and any Natives who exhibited equal talent with Englishmen at the examination would obtain employment."—3 *Hansard*, vol. cxxix. p. 1449.

This assurance was so clear and satisfactory as to induce him (Lord Monteagle) to abandon any intention of dividing the House, though he moved a declaratory clause on the third reading for the purpose of recording his opinion and conviction. He next came to the Act of 1858, transferring the Government of India from the Company to the Crown. While that measure was under discussion he took the opportunity of calling attention a third time to the miserable manner in which the promises previously made to the Natives of India had been redeemed. On that occasion he urged his noble Friend (Earl Granville) to hold out some more satisfactory assurance on that subject. His noble Friend answered by appealing to him not to press him for any specific declarations on the matter, observing that one of the duties of the Government, on the passing of the measure then in Parliament, would be to lay before Her Majesty, for Her gracious approval, a Proclamation which should declare Her intentions, and thereby fully recognize the rights of the Natives of India. His noble Friend added that it could not but be felt more gracious and more conducive to the future interests of India that those words of grace and favour should come from the lips of the Sovereign than appear to be forced from the Executive Government by any Parliamentary pressure. To an appeal so just and reasonable he did not hesitate for a moment in acceding. The noble Lord's engagement had been performed to the letter, in that message of mercy with which Her Majesty strove to heal the wounds of India after the mutiny. In the Royal Proclamation issued in November, 1858, and shortly afterwards circulated throughout India, the very words of the 87th Clause to which he had referred as the great charter of civil and religious equality for the people of India were incorporated. The language of the Proclamation was—

> "We hold ourselves bound to the Natives of our Indian territories by the same obligations of duty which bind us to all our other subjects; and those obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fulfil."

Her Majesty continued—

> "We decree that so far as may be, our subjects, of whatever race or creed, may be freely and impartially admitted to those offices in our service the duties of which they may be qualified by their education, ability, and integrity, fully to discharge."

Such was the solemn confirmation given by the Sovereign, on assuming the Government of Her Indian Empire, to the pledge repeatedly held out by Parliament to the people of that country since the year 1833. It had been given by the Government of Earl Grey in 1833, by that of Earl Aberdeen in 1853. In both cases it had been adopted by Parliament as a part of the solemn compact made in renewing the charter. Finally, it was adopted and announced by the Sovereign Herself on assuming the full and undivided authority of ruling Her 180,000,000 of Indian subjects, constituting the most magnificent Empire in the world. Never was an engagement so solemnly contracted between the Crown, the Legislature, and the People. Yet the petitioners, whose case he stated, were still left in a position to complain of its nonfulfilment. This statement he was fully prepared to prove. But before doing so he would ask leave to refer to one further authority he had omitted, which would show that the engagements entered into by England with the Natives of India had also been acknowledged by one of the ablest men who had governed that country, he alluded to Lord Hardinge, who in 1844 issued the following wise and liberal minute:—

> "The Governor General having taken into consideration the state of Education in Bengal, and being of opinion that it is desirable to afford it every reasonable encouragement by holding out to those who have taken advantage of the opportunities provided a fair prospect of employment in the public service, not only to reward individual merit but to enable the State to profit largely by the measures taken for public instruction, has resolved, that in every case a preference shall be given to the candidates who shall have been educated in the established institutions, and who shall have distinguished themselves by more than an ordinary amount of merit and attainments."

If there was one mode better than another of redeeming these often repeated pledges, it was to be found in the promotion of education, and especially of medical education and science in India. Nothing had done more to remove the prejudices of caste and advance the cause of civilization in India than the establishment of the Medical College at Calcutta. This was among the many obligations which India owed to that most excellent man, Lord William Bentinck, who so long back as May 30, 1829, had by his minute announced that—

> "The degree to which the Natives have conquered prejudices that without instruction would have been the most inveterate, is shown in the Hindoo College of Dr. Tytler, and the Medical School of Dr. Breton, in which there are pupils of high caste said to dissect animals, and even handle the bones of human skeletons."

The Natives had a remarkable aptitude for medical science, and it was acknowledged by the high authority of the noble Earl opposite (Earl Ellenborough) that Native practitioners were frequently able to save lives that would be lost under the treatment of Europeans. Students of the Medical College at Calcutta came over to this country to mature their instruction, and entered successfully into full competition with their English fellow-students in our Universities and other training establishments. Nineteen of these Native gentlemen now held appointments in India with honour and credit to themselves. No doubt arose in their minds that the obligations which had been incurred by England would be fulfilled. In one instance a Native student who had obtained the second place among forty-two candidates, having completed his medical course here, went to pursue his studies on the Continent, and being anxious to acquire as much knowledge as he could, in addition to his medical and surgical acquirements had made himself master of three European languages. He thought that whilst it was impossible to overrate the importance of the visits of men whose minds had been highly cultivated and matured, as in the case of Dwarkanauth Tajore and Rammohun Roy, the claims of younger students should not be passed over. The education in our best British medical schools of diligent and well-instructed pupils of the Hindoo College, or of students brought up in the Grant and Elphinstone Institutions, men who had distinguished themselves, as his Parsee petitioners had done, and who coming amongst us have obtained knowledge and profited by the opportunity of seeing with their own eyes, judging for themselves of all that was in progress in England, and being thus enabled to report to their Indian brethren the results of their own experience and observation, this was the true way of spreading throughout India not only intellectual acquirements but respect and reverence for our land and its institutions. He alluded to the case in which two excellent friends of his own, Sir Edward Ryan and Mr. Charles Cameron, unfailing advocates of the rights of the Natives of India, had given their high authority to the force and effect of sect. 87, as establishing the eligibility of Natives to civil, military, and medical appointments. Of all the classes in India there was hardly one more interesting in itself, from the character of the race, their great intelligence, diligence, and superior mercantile habits, than the Parsees whose grievances were represented in this petition. Several of these had come over to this country, prepared by scientific education in India for pursuing the medical profession; and after having gone through a regular course of instruction and taken their degrees, passed the College of Surgeons, obtained other marks of honour, they made application to the Army Medical Department to be permitted to compete for admission to the competitive examination as preliminary to an appointment. They then learnt, for the first time, that the army of India had ceased to exist; that only one army now existed—the Queen's army—and that, therefore, there could no longer be a separate examination for Indian appointments, and but one examination for the united services. From the terms of the official letter from the Army Medical Department, the applicants were justified in entertaining the belief that there would be as free an admission to the combined examination, as there had previously been to the separate examination for India.

> "East India Army Surgeons.
> [Circular.]
> "November 14th, 1860.
>
> "Sir,—I am directed by the Secretary of State for India in Council to acquaint you, in reference to your recent inquiry, that no separate competitive examination for the Indian Medical Service will take place in January next, but that at the next examination for Assistant Surgeons for Her Majesty's Army such additional number of appointments will be open to competition as will be sufficient to provide for the medical service of India also.
>
> "All candidates at that examination will be subject to the Regulations issued by the War Office with regard to qualifications and examinations.
>
> "I am, &c.,
> "W. E. BAKER, Col."

It would scarcely have been possible to convey to the Parsee petitioners a more clear intimation that, though the separate examinations had ceased, yet one united examination would be established, and that to such united competitive examination the Natives of India would be freely admitted. But their Lordships would learn with no slight degree of surprise and regret (he might, perhaps, have used a stronger word), that, when the time of examination appointed came, the answer obtained was not an admission to that competitive examination, but a statement that, in consequence of the varied climates which medical officers of Her Majesty's army had to encounter in the European and Colonial possessions of the British Crown, it was not thought advisable to subject Natives of India to the chances of service out of their own country, and that in consequence it had been decided that such Native gentlemen should not be permitted to compete for appointments in the general military service. Here was an exclusion imposed where the statement of Earl Granville; the pledge of the Government contained in the law of the land in 1853; and last, but greatest of all assurances, the declaration given in Her Majesty's Proclamation had created perfect equality and eligibility. This was not all. The disqualification of all persons of Indian birth or parentage effected by Colonel Baker's Circular assigned no reason of policy, still less suggested any incompetency in the applicants. The motive put forward was as strange as the act was indefensible. An affectionate regard was forsooth professed for the health of those gentlemen, while depriving them of that which they had a right to expect; and they were invited, as an alternative for service in Europe or our Colonies, to betake themselves to the more inhospitable climate of Africa. This was a whimsical proof of regard for the health of these gentlemen, which he could not very well understand. The answer which these gentlemen returned was that where the law gave them equal eligibility they would not accept a qualified appointment. On their behalf he now took the liberty of claiming what he believed to be their strict legal right. If the law was objectionable, let it be altered; but where the law was clear, let it not be perverted by official prerogative. Where the obligations of the Crown had been distinctly contracted, let not the administrators of the law take on themselves either to deny the equal rights secured by law, or to intercept the promised favour of the Sovereign. He believed their Lordships felt the deepest regret that the Natives of a distant possession should have so just a cause of complaint. He asked for nothing but what the law, the Ministers of the Crown, and the Sovereign had granted. He felt confident that so just a claim could not be refused. The noble Lord concluded by presenting the Petition, and moving an Address for

> "Copies of all Rules and Regulations in force on the passing of the 21st and 22nd Victoria, Cap. 106, in any respect touching the Nomination or Examination for Medical and Surgical Military and Naval Officers in India; and Copies of any additional Regulations subsequently made on the same Subject under the Section 27 of the said Act:
>
> "Names of Persons being Natives of India or of mixed Races appointed as Medical or Surgical Officers in the several Presidencies of Bengal, Madras, and Bombay, from the 1st January, 1857, to the present Time; distinguishing the Date of every such Appointment:
>
> "Copies of any Applications to the Secretary of State for India or Army Medical Department made by Natives of India or of mixed Blood, from the passing of the 21st and 22nd Victoria, Cap. 106, praying for Admission to the competitive Examination for Army Medical Appointments in India, together with all Replies made thereto:
>
> "Copies of Circular Letter, 14th November, 1860, from the India Office, communicating the Cessation of separate medical competitive Examinations for India."

LORD HERBERT: My Lords, there will be no objection to give the Correspondence which the noble Lord has moved for. I rejoice even at this late hour that I have an opportunity of answering the speech which the noble Lord has addressed to your Lordships, and in which—whether felicitously or infelicitously I do not undertake to say—he has confounded two things which are perfectly distinct. The noble Lord ended by saying that the claim of these gentlemen is founded upon law, which gives them a right to all these appointments; but in a previous part of his speech he admitted that the appointments which were promised to Natives of India were appointments in India. The promise was made before the recent transfer of the Government of India to the Crown, and the appointments in question were then in the gift of the Company. The words of the Act are conclusive upon that point, because they express distinctly that the intention was to throw open to all persons, without distinction of creed or colour, "all appointments in the gift of the said Company." Natives of India were not to compete for English appointments—it was "India for the Indians," and the right which they had guaranteed to them by the Act was a right to compete for all appointments of a certain class in India. What do the petitioners now ask? They do not ask for local appointments in India, but they ask for appointments in the general service of the Crown, and they claim to be appointed as surgeons and assistant-surgeons to our Line regiments stationed all over the world. I admit at once and fully the acquirements, the skill, the knowledge, and the high character of these gentlemen. The delicacy of their hand is recognized in operations; but it is said they are deficient in some of the most valuable qualities which characterize the practitioners of this country. What is the business of an army surgeon? It is very different from that of a civil doctor. In the case of an army surgeon everything depends upon the degree of confidence which the men have in his skill. Recollect the men have no choice; they cannot go where they like for medical advice; a surgeon is imposed upon them, and it is of the very first importance that he should be possessed of their confidence. The army surgeon now is in a very different position from what he was when Sir Benjamin Brodie recommended his pupils never to go into the army. For a long time in our service the medical profession was not much regarded, but now we have the best skill which can be found; all the best men are coming to us. What is the result? It is that the recommendations of our army surgeons are treated with the greatest respect by our officers, and that the men have that confidence in their skill which is so essential to the success of their services. A doctor cannot cure a man who does not believe in him. The noble Lord may say that science has neither creed nor colour. That is quite true; but we know that Englishmen have not the same confidence in an Italian or a German doctor—to say nothing of an Indian doctor — which they have in an English one. When the petitioners first applied to me I consulted Dr. Gibson, who is at the head of the Army Medical Department, on the subject. He said he thought they were physically incompetent to bear, not the cold of England or the heat of any other country, but the constant vicissitudes and changes of climate to which they would be exposed in our service. I was not content with that. I thought I could not do better than take the opinion of some great authorities. Accordingly, I referred the question to three gentlemen—Dr. Gibson, Director General of the Army Medical Department, Sir John Liddell, Director General of the Naval Medical Department, and Sir R. Martin, a gentleman of great Indian experience. I asked them to go into the whole subject and report to me their joint opinion whether the petitioners were physically qualified to stand the exposure to the various climates in which they would be called upon to serve were they admitted into the medical department of Her Majesty's army. They reported as follows—

> "It is our deliberate opinion, founded on experience, that the Native and mixed race of India and other tropical countries will never be able to sustain, for any length of time, the climate of our Northern regions, and that they can only be employed advantageously to the public service in climates similar to those in which their races exist."

I thought that conclusive. In the face of such an opinion I could not comply with the request of these gentlemen from India, they having no claim by Act of Parliament for admission into the general service of the Queen. But we have never questioned their right to appointments in India; on the contrary, we have urged their employment in civil, police, and, possibly, military capacities in that country. I noticed that a smile was caused by the reference which the noble Lord made to the proposal of Dr. Gibson, that these gentlemen might be employed on the coast of Africa. Your Lordships have been told that the petititioners refused the offer made to them. They had a perfect right to do so; but I can only say that the appointments in question have since been filled by Englishmen, though the climate of Africa must be more trying to white men than to Indians. I regret that I should have been obliged to come to a decision which has given so much pain to the petitioners; but appointments are open to them in their own country, where, perhaps, they might be employed in many instances with more advantage and success than English practitioners. I object to the insinuation that I have overridden the Act of Parliament. It is my duty to secure the best men I can for Her Majesty's service, and that duty I have endeavoured to discharge to the best of my judgment. I again protest against the assumption that admission to the general service of the Crown was guaranteed to Natives of India by law. The guarantee was confined to India only.

THE EARL OF ELLENBOROUGH: My Lords, I confess I cannot understand on what principle a distinction is made in this matter between a Native of India and a native of Canada or Australia. I wish to state my opinion with regard to the general character of the Native doctors of India. While in that country I had an opportunity of seeing them in contrast with European doctors after the battles near Gwalior. Every morning and evening I visited the hospitals, both Native and European, and I must candidly say that I consider the management of the Native hospitals was superior to the management of the European hospitals. And the reason was obvious. In the Native hospitals there was the most perfect ventilation; while in the European there was none. I visited the European hospitals early, long before the doctor, and found the patients almost suffocated with the offensive air and the closeness of the rooms in which they were placed. It was thought that the best had been done for them because they were placed in a bungalow and were treated like gentlemen. The Native troops, on the contrary, were in hospitals as beautiful as those which I saw years ago in Florence, or as any that are to be found now in London. The conduct of the Native doctors was beyond all praise. I never saw men under such circumstances in greater comfort or better taken care of. There every advantage was taken to obtain ventilation. Instead of being in houses they were under canvas, and the best ventilation is that from the air which percolates through the canvas—it is ventilation without a rush of air. During the time I was in India I never needed the service of a doctor; but had I done so, and placed myself under the care of an European practitioner, the chances are that I should not now be addressing your Lordships. The Native doctors would meet the wants of the service if a fair chance is afforded to them. According to the reduced establishment, the Native army will in future consist of 110,000 men, divided into 240 regiments, who would afford ample occupation for 480 Native medical officers, and I am quite sure that they will be, under the general direction of Europeans, infinitely the best persons for the duty, because they know the effect of climate, which Europeans obstinately will never learn. The same thing which in this country would produce no ill effects, there, by the influence of climate, may become fatal, and that the Natives know, while the Europeans will not know it. As to the general employment of Natives, I have, and have always had, two opinions. One is, that every country must primarily be governed for the benefit of its own people; and the other is, that it is impossible to give good government to any country without availing yourself of the services of the people of that country. But, although I know many persons have a different opinion, I must say I think the course which the Government, urged on by public opinion here, is obstinately pursuing in India in the way of education, must militate against the objects which all have in view. We are persevering in giving the highest education to the lowest class; but we take no pains to reach the higher classes. The consequence will be an over-educated and discontented people, with a body of persons possessed of property whose ignorance would prevent them from giving a useful support to the Government; and that will produce a state of society in which anarchy will be inevitable and good government impossible. This has always been my opinion. I had intended when I was in India to take measures to promote the education of the higher classes of the Natives. I thought that the promotion of knowledge and civilization by education might descend from the higher classes; but I did not believe, nor do I now, that it could ascend from the lower classes to the higher. I know it is useless to speak this language here, when people are determined to have a certain number of persons, no matter whom, educated in the highest degree;

but I am confident such a course involves much mischief and danger, and if it is persevered in, the object which all of us very properly desire to attain—the employment of a large portion of the respectable Native population in the government the country—will become impossible.

THE MARQUESS OF CLANRICARDE said, the noble Lord the Secretary for War had stated that the law referred to by the noble Lord who introduced the discussion related solely to employment in India. Was that the answer he gave to the petitioners? According to the law the army was for all parts of Her Majesty's dominions—the answer given to those gentlemen was that no separate competitive examination for the Indian Army was to be held in November. Was that an answer to their case? What did they apply for? They applied, not for examination for the Indian Army—they applied to be admitted into the military service of the Crown. And the answer was most unfair. Why were they not admitted to the competitive examinations? The law said they were to be open; and were the Natives of India to find that this was a mere juggle, and that they were not to be employed? They were first told that a competitive examination was necessary; and when they presented themselves they were told they were not to be admitted. And why? On account of their country, colour, caste—on account of matters which they had been distinctly told were not to be taken into consideration. An Indian, whether a Parsee or Hindoo, was not to be permitted to serve the Crown. Here was a population of 150,000,000 of men, some of them of the most warlike tribes; and we were laying down a rule depriving ourselves of the use of their services whenever the wants of the empire might require them—because if the ground of health was set up as a bar to the employment of Natives out of India it affected the services of the whole Indian Army, who, if properly trained, would be available for general service in any future war. The noble Lord stated that the petitioners had refused to go to Africa. They refused nothing. They said they were prepared to go anywhere in the ordinary course of service, but they objected to be sent specifically to "the white man's grave." As to capacity to bear the variations of climate he thought the noble Earl was in error, for it was well known that the Persians and Parsees were capable of enduring cold at least as well as Englishmen. He hoped that this matter would be well considered by the Government with a view to the removal of the grounds of those complaints. It was intended by the Act that the Asiatic subjects of Her Majesty should be put on an equality with all others of Her Majesty's subjects; and why should not the Natives of India be placed upon the same footing as the Canadians or inhabitants of other countries? It was absurd to think of governing India in defiance of the feelings or interests of the people.

EARL DE GREY AND RIPON regretted the tone which the discussion had taken, for there was no act of the Government, whether of the Secretary for India or of the Secretary for War, which could justify the language of the noble Marquess. He was certainly very much surprised that it should be implied that there was any inclination on the part of the Government to deprive the Natives of India of their just claim to employment in the service of the Crown. At the present moment there were two Bills before Parliament making the Natives of India admissible to seats in the Legislative Council and on the Bench. The noble Marquess complained that these gentlemen having applied to be admitted to a competitive examination to the Indian medical service were refused, but the fact was that the examination was not for the Indian medical service, but for the general medical service of the Crown.

THE MARQUESS OF CLANRICARDE said it was distinctly stated in the despatches that it was an examination for India.

EARL DE GREY AND RIPON assured the noble Marquess that he was under a misapprehension; it was not an examination for the Indian medical service, but for the general medical service. Under these circumstances, for the reasons he had stated, the Secretary for War did not think that these gentlemen were eligible. But with respect to their eligibility for other employment in India the case stood just as before. They were equally admissible to the Civil Service, and any Natives who might come home to qualify themselves and win distinction here would be admitted to the covenanted Service just in the same way as any other subjects of the Crown. With regard to the special case of these gentlemen the attention of the Governor General had been directed to it, and it might safely be left in his hands.

THE MARQUESS OF CLANRICARDE said he had confined his remarks entirely to the conduct of the War Office, and his information was taken from a letter signed by Colonel Baker, in which he said—

> "At the next examination for assistants for Her Majesty's Army such additional number of appointments will be open to competition as will be sufficient to provide for the requirements of the service in India."

EARL DE GREY AND RIPON explained that since the amalgamation of the two armies the only mode by which a medical officer could get to India was by being admitted to one of the Line regiments, and whether he went to India or not would depend entirely on the requirements of the service. He might be sent there, or he might be sent to Canada, or to the west coast of Africa.

LORD MONTEAGLE was glad to find the question referred to the very authority in whom he had most confidence.

Motion *agreed to.*

House adjourned at a quarter past Nine o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, June 21, 1861.

MINUTES.] PUBLIC BILLS.—1° Passengers (Australian Colonies); Church Endowment Act Amendment.
2° Durham University; Attornies and Solicitors (Ireland).

HARBOURS BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

MR. MILNER GIBSON said, that it would be for the convenience of the Committee that he should state the course which was to be taken in regard to the clauses giving power to the Board of Trade to make arrangements with any public body in regard to the transfer of Ramsgate Harbour. It had been represented that such a power, if taken in this Bill, might have the effect to some extent of prejudging the question, should it afterwards be submitted to Parliament. His own view of such a proposal was that it could only have been carried through after a careful

investigation by a Select Committee. As nothing was farther from his intention than to do anything that would anticipate the opinion of Parliament on this point, he was quite willing to omit the proposal altogether from the Bill. Any company, therefore, wishing to obtain the use of the harbour would have to come to Parliament for such powers as they desired, and Parliament would be free to deal with the application as they might think fit.

Clause 7 (Dues levied for Shipping Purposes on Ships or Goods which derive no benefit),

MR. MILLER moved to add at the end of the clause—

> "With the exception of the said dues leviable by the Trinity Corporation at the port of Leith, where such dues shall cease to be levied so soon as provision shall have been made, by sufficient accumulated funds, for all annuities, pensions, and obligations which have been lawfully granted, or in which a vested interest, absolute or contingent, has been lawfully created before the 15th day of March, 1861."

The hon. Gentleman said, that such great objections had been felt to the manner in which the Trinity Corporation disposed of its funds that the people of Leith resisted payment of the tax by force. The result was that the Corporation was obliged to procure an Act of Parliament, which was granted them for twenty years. That period happening to expire about this time, the community of Leith were anxious that their case should be an exception to the general arrangement which the Board of Trade had made with the Trinity Corporation of the kingdom. The clause was drawn in very liberal terms, and he hoped that it would be agreed to.

MR. MILNER GIBSON said, he must resist the exception on the ground that an arrangement had been come to with the various Trinity Houses, and the Trinity House at Leith was represented in that arrangement. The Government certainly entered into an agreement with it as well as with the Trinity Houses of Hull and Newcastle. Under these circumstances, it was impossible to make a different proposal with regard to Leith from that which was submitted to the House.

MR. BLACK said, the proposition of the hon. Member for Leith appeared to him exceedingly reasonable. From the reports upon the subject, it appeared that the Leith Trinity House was entitled to levy a penny per ton upon all goods imported, and it was further stated that the Corporation was not in debt, and that its property was sufficient for all the charges upon it. Supposing that the funds were properly applied, and that this £2,000 was to be given to the poor mariners, all the poor mariners in the neighbourhood would flock to Leith, and the consequence would be that a large number of paupers would be thrown upon Leith and Edinburgh, whereas by agreeing to this proposal there would be no occasion for the House to provide for anything whatever.

MR. DUNLOP said, that the very Amendment which was now proposed showed the wisdom of the course taken by the right hon. Gentleman, and he saw no reason for departing from that course.

Amendment, by leave of the House, *withdrawn.*

MR. LINDSAY urged that the dues should not be allowed to go on increasing, and for the purpose of preventing such increase, he proposed to add at the end of Clause 7 the following words, "but the amount of such dues shall not exceed the amount levied in 1860."

MR. MILNER GIBSON said, he could not agree to the introduction of the words, because their insertion would interfere with the general construction of the clause. If there should be a surplus, it was to be applied under the provisions of the clause in payment of such pensions as should subsist after the expiration of ten years.

MR. LINDSAY remarked that if any of the pensions should be payable after the expiration of ten years there was power given in the Bill to make provision for the payment of them.

MR. HEADLAM did not think that, practically, the Amendment could be carried into effect.

MR. DUNLOP said, that if at a future stage of the Bill the hon. Member should bring up a clause to accomplish the object he had in view he should willingly give him support.

MR. LINDSAY said, he would endeavour to prepare a clause, and would submit it to the President of the Board of Trade.

The Amendment, by leave, *withdrawn;* Clause *agreed to,* as were also Clauses 8 and 9.

Clause 10 (Compensation for Differential Dues, when to cease),

MR. LINDSAY proposed to omit the words "1872," and insert "1867." By the first Bill it was proposed to give to the parties who now received differential dues five years' compensation, or in round numbers £250,000. By this Bill the time was extended to ten years, and the amount doubled, so that the parties would receive about £500,000 more over and above the £1,000,000, they had received for compensation since the reciprocity treaties were passed. He could not see any reason why these parties were entitled to receive so large a sum, considering that they had received five times more than they could consider themselves entitled to. When the reciprocity treaties were passed there were about eighty places recipients which had a right to levy those dues. Of these fifty seven had ceased already to receive them. He concluded by moving that "1867" be inserted for "1872."

Amendment proposed, in page 7, line 9, to leave out the words "seventy-two," in order to insert the words "sixty-seven," instead thereof.

MR. HORSFALL denied that either this Bill or the first one gave the parties who levied the duties one farthing to which they were not entitled. They were entitled to levy the dues in perpetuity under the guarantee of that House, and now they were willing, in accordance with the proposal made by the President of the Board of Trade, to relinquish these dues at the end of ten years, instead of levying them in perpetuity. This was, therefore, no compensation at all. He also denied the accuracy of the statement formerly made by the hon. Member for Sunderland (Mr. Lindsay) relative to the Liverpool pilots.

MR. SOMERSET BEAUMONT said, it was very true that if the dues had been abolished in 1826 the arrangement might have been made at less cost than now; but that no arrangement was made with the owners when the reciprocities came into force was no pretence for confiscating them now. The parties levying the dues had done so under the sanction of Parliament, and in virtue of charters, and they were clearly entitled to full compensation. He questioned whether, in a court of law, compensation for twenty years might not have been obtained instead of ten years. The pilotage dues of Newcastle, to which the hon. Member had referred on a former occasion, went to maintain the pilotage service of various other places, and had been of great public value; so that the people of Newcastle were not open to the charge made against them that they did nothing for the money they received.

Mr. HODGSON also supported the clause.

Mr. W. WILLIAMS thought that the clause would grant an extravagant compensation.

Mr. DUNLOP said, he was in favour of making a fair arrangement with the parties interested in these dues, though he must admit that they had made a very good thing of it already.

Lord LOVAINE said, the right hon. Gentleman the President of the Board of Trade was either wrong in giving compensation at all, or his present proposal was fully justified. He was persuaded that if the right hon. Gentleman had not extended the amount of compensation to a period of ten years, there would have been no chance of passing this Bill this Session. He thought the course taken was a wise one, and he hoped it would be carried out.

Mr. Alderman SALOMONS said, his constituency were only interested in this question as taxpayers, and he should, therefore, support the Bill, as it would relieve several burdens that now pressed very heavily on the shipping trade. If the House delayed the passing of the Bill it would only increase the claim for compensation. The real question for them to decide was, was ten years a sufficient time for that purpose? He thought that it was; and he also thought that the Government deserved great praise for the great consideration that had been given both to taxpayers and tax-receivers.

Colonel FRENCH thought the parties interested had received a million of money already more than they were entitled to. He objected to the way in which the sum now proposed to be given had been doubled since the Bill was first brought in.

Mr. DANBY SEYMOUR hoped the hon. Member for Sunderland (Mr. Lindsay) would not press his Amendment, as it was of great importance that the present Bill should pass, and it would be endangered if his Amendment were carried.

Mr. CLAY thought that the bargain made by the Bill with the Corporations was an advantageous one for the country, and it would, therefore, have his support.

Mr. BUCHANAN thought the question was one of expediency, and he believed the parties concerned had received quite as much as they were entitled to. He thought the proposal of the Government was a most liberal one, and for his part he must express his thanks to the hon. Member for Sunderland for having brought forward the question.

Mr. LINDSAY should not be doing his duty to his constituents if he did not divide the Committee on this Amendment.

Sir FRANCIS GOLDSMID believed that the President of the Board of Trade had substituted Bill No. 2 for Bill No. 1, because he could not resist the pressure brought to bear upon him by the parties interested in these dues. As he believed the refusal of this compromise would endanger the Bill, he was not prepared to support the Amendment of the hon. Member for Sunderland.

Question put, "That the words 'seventy-two' stand part of the Clause."

The Committee *divided:*—Ayes 128; Noes 28: Majority 100.

Mr. CAVE proposed to add at the end of Clause 10—

"Provided, that in the case of any body of proprietors paying a dividend to shareholders out of the profits made by them, or of any company paying a like dividend, or of any private individual entitled by reason of a private proprietary right, adequate compensation shall be made in such manner as may be determined by arbitration or otherwise."

He rose, he said, to advocate the rights of private parties whose interests were affected by the Bill. They were a feeble body, incapable of exercising the pressure upon Government that more powerful corporations could, and, therefore, entitled to a scrupulous measure of justice from that Government. He chiefly advocated the interest of Shoreham Harbour, though he believed there were others in the same category. He might be permitted to say that he had no personal interest in the matter. He was a Commissioner appointed under the Act. The office conferred simply certain duties, and he believed he was discharging one of those duties in protesting against what the proprietors looked upon as a confiscation of their property. Shoreham Harbour was originally made by a body of private individuals who raised money by shares, and by that means constructed, and have since maintained it. They had great difficulties to contend with, as they had to carry on a constant struggle against nature, unassisted by any public money, as in the case of Newhaven. For a long period they paid no dividend, and the sum received as compensation under the Act of Parliament which had been so often referred to had, for that time, gone simply in expenses for public benefit. He considered that private shareholders in such an undertaking as this were in the same position as creditors of public bodies. They bought their shares as the others lent their money, on the faith of the property which belonged to the company or corporation; and, as the rights of the latter were always saved, so ought the rights of the former. Hon. Gentlemen who spoke on the opposite side proved his case. They said that this compensation ought to have been bought up years ago. That admitted the right; but then they said, because this was not done, we had received more than we were entitled to, and, therefore, ought to have nothing more; but, what sort of justice was that? Supposing the hon. Member for Glasgow had an opportunity of buying up an annuity (with which he was charged) for five years' purchase, which he refused, thinking the recipient would not live so long, would he have the right to come to him ten years afterwards and say, you have already received the annuity five years longer than you ought, and, therefore, I will pay you no more? Again it was said Committees had always insisted on the surrender of this compensation when the parties holding it came for fresh privileges. Did not that prove that the claim was a valid one, not to be given up without consent? An hon. Member had said this ten years' compensation was the price they had to pay for the Bill. He (Mr. Cave) contended that the surrender of a perpetuity at the end of ten years was the price the Government made other people pay for public good. He agreed that private rights should give way to public, but he thought the principle might be carried a little too far. The right hon. Gentleman had recommended them to recompense themselves by raising the tolls, a recommendation rather inconsistent with the allegation that they had benefited by the tolls having been lowered. He, for one, could not consent to the tolls being raised. Such a measure would drive away the trade to other harbours; and, without benefiting the shareholders, would injure the town of Shoreham and country round, which had as great, though a more indirect, interest in the harbour. He approved generally of the Bill, but he was sorry to see it tarnished with this injustice; and, without prejudging the question, or fixing any amount of compensation, he begged to move the Amendment of which he had given notice.

Mr. MILNER GIBSON trusted that the hon. Gentleman would not press his Amendment. He saw no difference between the case of proprietary harbours and those held by corporations, and he did not see why there should be any distinction in the mode of dealing with them. He thought that ten years' payment from the Consolidated Fund was an adequate payment, and the parties ought to be satisfied with it.

Mr. LYALL supported the addition.

Mr. MILNER GIBSON hoped the hon. Member would not press his Motion, and said he could make no difference between public bodies and bodies of private proprietors.

Mr. CAVE, in reply, said, he wondered at this, because in the Bill as it originally stood this distinction was admitted, as it had been on all previous occasions. However, as he found private interests were so unpopular, he would not make them more so by giving the House the trouble of dividing.

Amendment, by leave, *withdrawn.*

Clause *ordered* to stand part of the Bill.

Clauses 11 to 16 inclusive *agreed to.*

Clause 17 (Transfer of Ramsgate Harbour to Board of Trade),

Mr. MOFFATT said, it was proposed in this Bill to transfer the duties and responsibilities of the trustees of Ramsgate Harbour to the Board of Trade. He wished to know what it was proposed to do with the compensation fund to which they would be entitled.

Mr. MILNER GIBSON said, that now that they had abolished passing tolls he was given to believe that the trustees of Ramsgate Harbour desired to be relieved of the duty of looking after the harbour for the future. The funds will be applied to the support of the harbour, and it would be the duty of the Government to manage the harbour in the way best calculated to secure the interests of the public.

Mr. MITCHELL was of opinion that the funds of the harbour would be amply sufficient, under proper management to maintain it, without transferring it to a railway company.

Mr. MACKINNON said, that the transfer of the management of Ramsgate Harbour from the trustees to the Board of Trade would, in his opinion, be of great advantage to the public. He agreed with the hon. Gentleman that the funds were sufficient to maintain the harbour.

Mr. LIDDELL said, that the harbour had cost £2,000,000, when the trustees' own engineer, Sir John Rennie, agreed that it might have been constructed for £700,000, a fact not very complimentary to the trustees, and he (Mr. Liddell) was glad that the harbour was to be withdrawn from their management.

Mr. MOFFATT said, possibly it could be constructed at the present time for £700,000, but it should be remembered that at the time when the works were erected the same appliances were not then in existence which were now in use.

Clause *agreed to.*

Clauses 18 to 24, inclusive, *agreed to.*

Clause 25 *struck out.*

Clause 26 *agreed to.*

Clauses 27 to 30 *struck out.*

Clause 31 *agreed to.*

Clause 32 (Board of Trade may sell Property),

In reply to Mr. Liddell,

Mr. MILNER GIBSON said, that the object of the clause was merely to enable the Board of Trade to make any changes in the nature of their investments that might seem expedient.

Mr. DEEDES and Mr. LINDSAY were strongly of opinion that the clause required alteration, otherwise the Board of Trade would have power under the clause to transfer the harbour to any company.

Mr. MILNER GIBSON said, that if the clause were passed, he would undertake to remove any possible difficulty.

Clause *postponed.*

Clauses 33 to 41 *agreed to.*

Clauses 42, 43, and 44 *omitted.*

Clause 45 (Power to Warden and Assistants to levy Rates),

Mr. MILNER GIBSON proposed the omission of the clause, in order to insert clauses constituting a new Dover Harbour Board, as follows:—

> "The said Dover Harbour Board shall consist of seven members, four of whom shall form a quorum; the said seven members shall be the Lord Warden for the time being of the Cinque Ports, who shall *ex officio* be chairman of the said Board, two burgesses of the borough of Dover, elected by the town council every three years, and to be eligible for re-election, a member to be from time to time appointed by the President of the Board of Trade for the time being, a member to be from time to time appointed by the First Lord of the Admiralty for the time being, a member to be from time to time appointed by the South-Eastern Railway Company under their common seal, and a member to be from time to time appointed by the London, Chatham, and Dover Railway Company, under their common seal; and the said Lord Warden shall from time to time nominate, under his hand, one of the members of the said Board to be his deputy, to preside at all meetings at which the said Lord Warden shall not be present; and in the event of an equality of votes at any meeting of the said Board, the chairman at such meeting shall be entitled to a casting vote; provided that in the event of either or both of the said railway companies failing or declining to appoint a member of the said Harbour Board within one calendar month after having been required so to do by the President of the Board of Trade, then such president shall, from and after such default, be entitled thereafter to appoint from time to time another member or members in lieu thereof, as the case may be."

Mr. DEEDES complained that the Dover Commissioners had not been consulted with reference to the proposed change in the management of the Dover Harbour. He could not but regard this as a most uncalled for change introduced in a most unusual manner, and in these circumstances he and his brother Commissioners had to consider how they ought to act. The Commissioners had been summoned to meet at Dover to investigate the claims of eighty persons who were candidates for the office of harbourmaster at Dover. On seeing the change that was contemplated in the constitution of the Board, he thought it his duty to call the attention of his brother Commissioners to that change, and they all felt that pending this change it would be unfair and improper in them to exercise any patronage in regard to the harbour. They communicated their views to the Lord Warden on this subject, and hoped to hear from him some expression of opinion on the subject of the proposed change; but in their interview they failed to elicit from him any opinion on the subject of the constitution of the Board of Management. They had intimated to the Lord Warden that it was their intention to abstain from any act that was not imperatively called for by the interests of the harbour, and that they had only been prevented from placing their resignation in his hands from a fear lest the interests of the harbour should suffer before the present Bill could be passed, and that they thought it their duty to remain in office till their successors could be appointed.

Mr. MILNER GIBSON could assure the hon. Gentleman that there was not the slightest intention on the part of the Government to show any disrespect or neglect to the Commissioners of Dover Harbour. When the Bill was introduced it was not the intention of the Government to make such a change in the constitution of Dover Harbour as was now proposed; but the people of Dover, and others interested in the harbour had, through their Member, expressed a strong desire for some change, and the hon. Member for Dover gave notice of an Amendment proposing an alteration in the constitution of the Board. It was not till after consideration that the Government consented to the proposal of the hon. Member for Dover, and it was not possible to have that communication with the Dover Commissioners on the subject which might have been desirable. He could assure his hon. Friend, however, that there was not the slightest intention to show any discourtesy towards them.

Lord LOVAINE protested against the Amendment. It was the first time that the constitution of a Board which had existed for centuries had been changed at the suggestion of a private Member.

Mr. LINDSAY said, that instead of a Board consisting of eight gentlemen not connected with the place it was now proposed that there should be a Board consisting of two members of the Town Council, one appointed by the Board of Trade, one by the Board of Admiralty, and one by the South Eastern and the London, Chatham, and Dover Railway Companies, both of which had a very great interest in the proper management of the harbour. He thought, then, that the right hon. Gentleman was only doing a public service by adopting the proposed change.

Sir BROOK BRIDGES said, that notwithstanding the explanation which the right hon. Gentleman had given the Board had a right to complain of the treatment the Assistants had received.

Mr. Alderman SALOMONS had the greatest possible respect for the Assistants in their individual capacity; but he thought the condition of Dover, as compared with Hastings and the other southern ports, was not such as to render the proposed change undesirable.

Clause *omitted* as was also Clause 46.

On the Motion of Mr. Somerset Beaumont, a clause was inserted giving power to town Corporations to transfer shipping dues to harbour authorities.

Mr. NICOL moved clauses providing for a new constitution for the management of the harbour of Dover. The following is the constitution of the new Board:—

"The Dover Harbour Board shall consist of seven members, four of whom shall form a quorum; the said seven members shall be the Lord Warden for the time being of the Cinque Ports, who shall *ex officio* be chairman of the said Board, two burgesses of the borough of Dover elected by the town council every three years, and to be eligible for re-election, a member to be from time to time appointed by the First Lord of the Admiralty for the time being, a member to be from time to time appointed by the South Eastern Railway Company, under their common seal, and a member to be from time to time appointed by the London, Chatham, and Dover Railway Company, under their common seal; and the said Lord Warden shall from time to time nominate, under his hand, one of the members of the said Board to be his deputy, to preside at all meetings at which the said Lord Warden shall not be present; and in the event of an equality of votes at any meeting of the said Board, the chairman at such meeting shall be entitled to a casting vote; provided that in the event of either or both of the said railway companies failing or declining to appoint a member of the said Harbour Board within one calender month after having been required so to do by the President of the Board of Trade, then such President shall, from and after such default, be entitled thereafter to appoint from time to time another member or members in lieu thereof, as the case may be."

Mr. DEEDES said, there was no adequate provision made for the liquidation of the debts that had been incurred under the sanction of Parliament. He ventured to say, from the accounts given by the official manager of the harbour, that the mode in which it was expected to pay off the debt was not so simple, or likely to be so successful, as was expected. He was perfectly satisfied that, after the income from passing tolls ceased, great difficulty would be found in meeting the obligations that had been incurred. He believed it would be found that the advantages derived from the establishment of this new Board would not be so satisfactory as seemed to be anticipated.

Mr. KNATCHBULL-HUGESSEN defended the constitution of the new Board, and observed that the new constitution had the unanimous approval of the people of Dover.

Lord LOVAINE observed that it would be useless to discuss the clauses, but he must again protest against the unprecedented step of making such sweeping changes without notice.

Mr. KNATCHBULL-HUGESSEN replied that the notice of the hon. Member (Mr. Nicol) had been on the paper for several days. He had no doubt, from conversations which he had had with gentlemen in the neighbourhood, that the change was most earnestly desired by the inhabitants of Dover.

Clauses *agreed to.*

Remaining Clauses *agreed to.*

MR. THOMPSON moved the following clause:—

"(Vessels using Whitby Harbour to pay toll for support of tide lights.) On and after the 1st day of January, 1862, all vessels exceeding ten tons entering or leaving the harbour of Whitby shall pay to the trustees of Whitby Harbour such sum or toll, not exceeding 1*d.* per ton, as such trustees may from time to time direct to be paid to them, for the support, maintenance, and improvement of the existing or any future tide lights at the entrance of the harbour: provided always, that any vessel which shall have paid such toll on entering the harbour may again leave the harbour without further payment of toll."

Clause *agreed to.*

House *resumed.*

Bill *reported,* as amended, to be considered on *Monday* next, and to be printed. [Bill 196.]

ST. MARGARET'S CHURCH.

QUESTION.

MR. NORTH said, he wished to ask the First Commissioner of Works, Whether it is intended to contribute Public Money towards the maintenance of the fabric of St. Margaret's Church, the religious service of this House being already provided for by an expenditure on St. Stephen's Chapel? And whether it might not be preferable to take steps for removing to another spot St. Margaret's Church from the Abbey Yard?

MR. COWPER said, St. Margaret's Church had for many years been the place of worship used by both Houses of Parliament on public occasions, and there were also seats reserved in the Church for Members of both Houses at the usual services on Sundays. On those grounds it had been the practice for many years for Parliament to make grants whenever extensive repairs were made in that Church During the last 100 years there had been six occasions on which considerable sums were voted by the House of Commons to aid in the repairs of the Church. It was not in his contemplation to propose any grant for that purpose, because a sum was voted in a former year, and the sum to which the hon. Member had alluded was one which had already been voted. There had been some difference of opinion among persons of taste as to the general effect of the removal of the Church. It served as a foil to enhance the beauty and size of the Abbey, and it concealed the junction with Henry VII.'s Chapel. However, a Committee of this House some years ago recommended that the Church should be removed, and an estimate was made by the late Sir Charles Barry of the cost of another site and of re-erecting the Church. That estimate was a very large one, and nothing had been done, and he had nothing under consideration with regard to that question.

AFFAIRS OF NEW ZEALAND.

QUESTION.

MR. ADDERLEY said, he rose to ask the Under Secretary of State for the Colonies, Whether, now that the rebellion in New Zealand is suppressed, the Government are taking such steps as will tend to extricate this Country from any future implication in Native Policy; and whether they will now advise Her Majesty to give assent to the Native Council Bill sent by the New Zealand Legislature for Her approval?

MR. CHICHESTER FORTESCUE said, a new Governor, Sir George Grey, had been appointed, and had been desired to report to the Government upon the whole subject. It would, therefore, be wrong to fetter his discretion by advising the Crown to assent to the Native Council Bill. Her Majesty's Government had no disinclination to assent to that Bill, but they would reserve their final decision until they had received the Report from Sir George Grey.

PENSIONS TO COLONIAL GOVERNORS.

QUESTION.

COLONEL FRENCH said, in the absence of his hon. and gallant Friend (Colonel Dunne) he wished to ask the Under Secretary of State for the Colonies, Whether it has been determined by the Government to grant Retiring Pensions to Governors of Colonies; and, if so, after what period of service, and on what scale?

MR. CHICHESTER FORTESCUE said, that the question of granting retiring allowances to Governors of Colonies had been considered by the Government of Lord Derby when they were preparing the Superannuation Bill, it having been suggested by the Colonial Office that some provision of that nature should be included in that Bill. Nothing, however, was done, and the present Government had not renewed the consideration of the question.

ROYAL ATLANTIC STEAM NAVIGATION COMPANY.—QUESTION.

COLONEL FRENCH said, he wished to ask the hon. Member for Galway, If he is prepared to-night to name the Committee to inquire into the circumstances attending the termination by the Postmaster General of the Postal Contract with the Royal Atlantic Steam Navigation Company.

MR. GREGORY said, he had been perfectly ready for several days to name the Committee, and if the hon. and gallant Gentleman wished to know why he had not nominated it, he begged to refer him to the Secretary of the Treasury. He certainly should name the Committee to-night. If he could not come to terms, he should select five Members whose names would be a guarantee for their intelligence and impartiality, and add to them the Secretary of the Treasury and himself. He should take the sense of the House on each name on Monday next.

NAVY—THE "HIBERNIA."

QUESTION.

MR. HENNESSY said, he would beg to ask the Secretary to the Admiralty, Whether the Messrs. Palmer of Newcastle-on-Tyne, the builders of the *Hibernia*—which was pronounced unseaworthy by the Admiralty before making a voyage—are the same parties who are constructing an Iron-cased Frigate for the Admiralty?

MR. WHITBREAD said, it was a fact that the *Hibernia* was pronounced unseaworthy by the Surveyors of the Admiralty, and that the firm of Messrs. Palmer of Newcastle-on-Tyne, were constructing an iron-cased frigate for the Admiralty; but, at the same time, it was only fair to say that in all cases in which that firm had supplied iron cases for the Admiralty they were of the best quality.

NAVY—THE CHANNEL FLEET.

SIR HENRY STRACEY said, he wished to ask, Whether it be the intention of the Government to send the Channel Fleet to Great Yarmouth this year, and there to remain for some days, as was believed to be the intention last year?

MR. WHITBREAD said, it was not intended to send the Channel Fleet to Great Yarmouth this year.

THE SLAVE TRADE.

QUESTION.

MR. W. E. FORSTER said, he would beg to ask the Secretary of State for Foreign Affairs, Whether he has received any, and, if any, what assurance from the Government of Spain that it will not take advantage of the events which have lately occurred in the eastern portion of the island of St. Domingo to introduce Slavery or the Slave Trade into any part of that island?

LORD JOHN RUSSELL said, he could best answer the question of the Member by reading to the House extracts from two Despatches which had recently been received. In a Despatch, dated April 22nd, Mr. Edwardes stated that Marshal O'Donnell had told him—

> "You can tell your Government that which it will be pleased to hear—namely, that whatever may be our decision, whether or not we accept the annexation of St. Domingo, no slavery shall exist there, because I consider it contrary to existing treaties and not in accordance with civilization. It exists in Cuba and in Porto Rico because the land requires it."

Again, in a Despatch of date May 2nd, Mr. Edwardes wrote—

> "As to the question about slavery, Marshal O'Donnell stated to him that 'he had given me assurances which he was ready to repeat, and His Excellency did so in the same terms that he used on two previous occasions, which I have already had the honour to report to your Lordship.'"

ORANGE RIOTS.—IRELAND.

QUESTION.

MR. O'BRIEN said, he would beg to ask the Chief Secretary for Ireland, Whether he has received any information of proceedings reported to have taken place upon the occasion of an Orange Riot at Lisburn, on Wednesday last, when several of the Constabulary and Townspeople were assaulted, one man named Megan having been stabbed, from the effects of which he now remains in a very precarious state?

MR. CARDWELL said, the event having only taken place two days ago, there had not been time for Government to receive any official information.

DISTURBANCES AT ST. JOHN'S, NEWFOUNDLAND.—QUESTION.

MR. CHILDERS said, he wished to ask the Under Secretary of State for the Colonies, Whether the Government have received complete information as to the disturbances at St. John's, Newfoundland; and if he has any objection to lay a Copy of the Papers on the Table?

Mr. CHICHESTER FORTESCUE stated that information had been received at the Colonial Office of disturbances having taken place at Newfoundland, in consequence of excessive party feeling during the last elections. The occurrences were now under investigation, and when a Report on the subject arrived, he would lay it on the Table.

THE RED SEA TELEGRAPH.

QUESTION.

Captain JERVIS said, he would beg to ask Mr. Chancellor of the Exchequer, Whether it is not advisable that the question of the Red Sea Telegraph should be referred to a Select Committee in order to inquire whether it may not be worth while endeavouring to render it available?

The CHANCELLOR of the EXCHEQUER said, he had stated on a former occasion that if there was a disposition to examine into this contract he should not have the smallest objection to the appointment of a Select Committee; but with regard to the subject mentioned by the hon. and gallant Member, it appeared to him that to appoint a Committee would be to devolve upon the Executive Government, which it was their duty to undertake, and which, though it was a difficult duty, they had greater advantages in performing than a Committee could have. He would inform the hon. and gallant Member of the position in which the matter at present stood, so far as the Government was concerned. The question was to be considered, in the first place, in regard to the financial engagements of the Government; and in the second place with regard to the material of the cable itself which had been laid, and the practicability of turning it to advantage. As regarded the financial part of the question, they had at present under examination the mode in which they might come to an arrangement with the persons who at present formed the Company and had charge of the Telegraph, and upon that they should be prepared very shortly to proceed to some measure, because it did not appear, nor so far as he knew to the parties themselves, that there was any particular advantage in retaining the Telegraph in the hands of those parties. On the contrary it would appear, on various grounds, to be desirable that they should be divested of all further concern in it. Then, with regard to the Telegraph cable, and the possibility of turning it to account, they had referred to the Board of Trade, and that Board was now preparing a Report on the best method of making an examination of the different parts of the cable on the spot; and it was obvious that it was only upon such an examination that they could found any plan for the future dealing with that cable. Of course the expense of the examination and the mode of conducting it were matters for consideration, but those matters were at present in the hands of competent persons connected with the Board of Trade.

BUSINESS OF THE HOUSE.

Viscount PALMERSTON: Sir, I understand that the private business of the Session is now nearly concluded, and I would, therefore, suggest that it may be convenient to the House that public business should during the remainder of the Session commence at a quarter past four, instead of at half-past four, on those evenings when the House meets at four o'clock.

On Motion to go into Committee of Supply,

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

DUBLIN REGISTRY OF DEEDS OFFICE.

Sir EDWARD GROGAN complained of the great accumulation of arrears of business at the Registry of Deeds Office, Dublin, and of the vexatious delays which occurred in consequence. He begged to ask the Secretary for Ireland whether he will produce a copy of the Report of the Commissioner appointed to inquire into the subject, and whether the Government intend to introduce any Bill during the present Session to obviate the delays which at present exist in performing the duties of the office?

Mr. BERNAL OSBORNE rose to order. There were several names before that of the hon. Baronet on the Notice paper, and he wished to know from the Speaker whether Members in making Motions on going into Committee of Supply were not to take precedence in the order in which they stood on the paper?

Mr. SPEAKER said, that the hon. Member's question was one to which he had already given a reply. The hon. Baronet the Member for Dublin on rising, as he stated, to ask a question, had caught his eye, and he did not consider the hon. Member out of order in proceeding. At the same time it was certainly a desirable course, and one to which he was anxious to adhere, that the hon. Member whose name stood first should have precedence.

Mr. CARDWELL said, that the question to which the hon. Member had referred was a very important one, and the state of the registry for deeds in Ireland was such as required very careful consideration. A Commissioner had been appointed by his noble Friend who preceded him in office, and that Commissioner had visited all the various register offices. He (Mr. Cardwell) had received from him a very elaborate report, which contained, however, certain references to individuals such as rendered it not desirable to be laid on the Table of the House. The report had been returned, in order that it might have those passages of a private nature removed from it, and when it was re-delivered, if his hon. Friend would move for it, he (Mr. Cardwell) should be very happy to produce it. With regard to the question as to whether any legislation was intended on the question this year, he begged to inform his hon. Friend, that amongst those who had carefully considered the question great differences of opinion prevailed as to the best mode of effecting the important object in view; and, therefore, no legislative measures would be proposed until the Report had been well considered, both by that House and by the public of Ireland.

CIVIL SERVICE EXAMINATIONS.

RESOLUTION.

Mr. BAILLIE COCHRANE rose to move a Resolution—

> "That the Evidence taken before the Select Committee on Civil Service Examinations proves that the System of Examinations should be modified, in order to meet the requirements of the Public Service."

The hon. Member said that the importance of this subject was proved by the fact that there were 105,000 Government places in this country, which were now almost in the hands of the Civil Service Commissioners, and it was, therefore, doubly important to consider the effect which these examinations had produced on the different professions. The Committee on this subject, which was presided over by the noble Lord, the Member for King's Lynn (Lord Stanley), had reported very fully: and as to the result of the evidence taken before that Committee, two very different opinions had been formed. The noble Lord and those who thought with him were of opinion, as the result of the evidence, that previous to 1855 the Civil Service of this country was very inefficient, but that the system of examination, up to the present time, had been attended with great advantages, and that, although the proposal of throwing open all situations under Government to open competition was not desirable at the present moment, they looked forward to a time when that proposal might be carried into effect, and anticipated that the result would be for the benefit of the country. He (Mr. Cochrane) had read the same evidence very carefully, and he had come to precisely the opposite conclusion—that there was no evidence to show that the Civil Service prior to 1855 was inefficient; that no practical advantage but, on the contrary, great disadvantage had arisen to the public service from the system of examination; and that if the system of open competition was introduced, it would terminate in the ruin of the public administration of the country. He could not comprehend how the Committee could have adopted such a Report as they presented to the House. Twenty-five witnesses were examined by the Committee; of these he struck off six as being Civil Service Examiners themselves, and, therefore, subject to view the matter with partiality. Of the remainder, eleven gave their evidence in opposition to the present system of examination: and there were only four who distinctly stated that they thought it had been beneficial to the country. Mr. Arbuthnot, the auditor of the Civil List, was of opinion that the effect of the competition had been to exclude objectionable men; but that, in the case of the supplementary clerks of the Treasury, it had introduced a class of men above their work, and thus gave rise to discontent and inconvenience. Mr. Trevor said that the present class of clerks were superior in social position, but he did not know that they had been superior for the purposes for which they were wanted. Sir Thomas Freemantle, Chairman of the Board of Customs, said that in the appointment of inferior officers too much stress had been laid upon intellectual attainments, and too little attention had been paid to physical qualifications. Mr. Tilley, the Assistant Secretary of the Post Office, said that the introduction of the competitive system had not made much difference. Mr. Romilly and Sir Richard Bromley gave similar testimony. Sir Thomas Freemantle issued a circular to the heads of departments and the collectors of the outposts, and he received from many of them reports by no means favourable to the new system. The Surveyor General stated that the examination had failed to supply a more valuable class of persons to the service. It was not a superior test of fitness to that which was previously in operation, and many persons might be rejected for deficiency in mere book learning who possessed qualifications which would be of infinitely greater value. The Inspector General said that no doubt under the present system many men of intelligence and energy had been appointed, but it was equally true that such men were by no means excluded under the former system, nor were instances of superior zeal, intelligence, and efficiency more unfrequent then than they were now; and the experience of the new system went far to establish the fact that a man's general usefulness would not always be on a par with the amount of school education he had received. From one office the Report was—

> "I am rather disappointed at finding myself compelled to admit that the clerks in this department who have undergone an examination by the Civil Service Commissioners do not evince more talent, nor display greater energy and aptitude for business, than those appointed within the six years preceding the institution of such examinations."

From another—

> "Having had several clerks under my supervision who have been admitted into the service since May, 1855, and also several who were appointed within the six years preceding the examination by the Civil Service Commissioners, I am enabled to state that I have not found the former display any greater energy or aptitude for business than the latter; and although generally tractable, I have experienced both personally and towards the public a self-sufficiency and presumption, from an imagined superiority in having undergone such examination, and also a desire for literature in business, that I have been obliged to check."

Of twenty-five Reports, all but one were against the system of examination. One gentleman said that the officers appointed possessed a better education, but less usefulness, than formerly; another, that the clerks appointed under the new system were better educated, but had not as good business habits as those who entered the service before 1855, and were not so easily managed. Why did not the Committee quote other witnesses than those who were referred to in their Report, such, for instance, as Mr. Waddington, Mr. Timm, and Mr. Hammond? Mr. Hammond stated that under the old system no clerks were appointed whose conduct during the first six months would not have insured their confirmation. Lord Elgin also gave evidence strongly against the new system, or, at all events, to the effect that the public service had derived no advantage from it. He could scarcely find in the evidence a single sentence in support of the principle of open competition in favour of which the Committee had reported. He could not comprehend how this Report had been drawn up, or how the Committee were able to state that it was based on the evidence which they had received. The only hypothesis which he could form was that several of them had only attended at long intervals. This system, at which Lord Brougham said everybody in the streets held up his hands, had not been introduced in consequence of any dereliction of duty on the part of public officers. Distinguished men declared that at the time there never was such a body of civil servants. Among those who made that declaration was Sir James Stephen. [The CHANCELLOR of the EXCHEQUER: Oh, oh!] Did the right hon. Gentleman doubt that such an opinion had been given? Sir James Stephen said—

> "In all seriousness, I think that the man whose name stood half-way down the examination list of merit would probably make a better clerk than he whose name stood first. Is this system founded on a truth so evident and on maxims of such universal application that we ought to apply it to 16,000 public offices at once? It is at least a perfect novelty; it is a rule hitherto never enforced in any republic except Utopia; it does not prevail in the legal, or medical, or sacerdotal, or mercantile professions; it is unknown to the great commercial world and municipal corporations among us."

Lord Herbert was a very good authority, and he said—

> "A young man who comes fresh from a cramming tutor and answers a few unintelligible questions is not the same thing as a young man who has gone through a regular professional course, and who becomes immediately available for regimental duty."

Mr. Chadwick stated that—

> "Some of the most eminent members of the professions, as well as of the Civil Service, have gained their start in actual life—not away from it, but in the midst of practice, so early as to preclude academical accomplishments. The first entrance into life of an eminent civil servant, high in the civil class of the Order of the Bath, was, as he says, in being when a boy pushed through

> the porthole of a ship into the midst of a coil of rope."

It always astonished him how, with opinions such as these, given at the time these gentlemen could be quoted as upholding this extraordinary system of examination. He was afraid the right hon. Gentleman would feel indignant with him for again referring to the questions put by the Civil Service Commissioners; but, notwithstanding the assertion of the right hon. Gentleman that any schoolboy could answer them, he believed they had improved very little since last year. He had been taunted with being the friend of ignorance, and he was aware that he was taking the unpopular view; but he had never denied that a test examination was necessary. What he objected to was that a man's career should be made to depend on the number of marks which he obtained in different branches of science. [He would take the examination papers for 1860 and 1861, and he would ask the House whether they really tested the power, the intelligence, and the merits of the young men by whom they were answered—

> "Out of what other languages has the Engislh language been formed ? What difference does the English of the *Spectator* present as compared with that of, the authorized version of the Bible ? What do you understand by the words 'a good English style ?' Give rules for writing such a style."

Why, there was nothing with regard to which persons differed so much in opinion as upon "a good style." Essays might be written on the subject. Again, the candidates were asked—

> "What do you understand by a 'figure of speech' in English ? Write a series of short sentences, each containing an example of a figure of speech."

They were next required to write an essay on winter, mentioning its duties and amusements. Winter amusements differed with the country in which they prevailed; in Scotland, curling; and in England, hunting possibly were the chief amusements.

> "Give a list of English historians, characterizing each of them by a single epithet."
>
> "Compare the influence of the ballad writer in early times with that exercised by the press at the present day."
>
> "Sketch briefly the course of the chief wars waged by Great Britain in Hindostan."

All these questions, it would be borne in mind, were to be answered in the space of two hours. As if they were not sufficiently comprehensive the next had an even wider scope—

> "Of what use to Great Britain are its several colonies and dependencies ?"

Then it semed as if some sentimental examiner took the matter in hand, for giving the verse,—

> "Few the words that I have spoken ;
> "True love's words are ever few ;
> "Yet by many a speechless token
> "Hath my heart discoursed to you ;"

he required it to be translated into Latin! The next thing required was that the candidate should

> "Write a short sketch of the origin of Parliaments in England, and show how their power has progressively increased."

[Laughter.] Hon. Members laughed at these questions; it was very natural that they should do so, but he could truly state he had no wish to throw ridicule on the gentlemen of great ability by whom these questions were framed. It might be said that all these were matters which young men should know, but within the time limited and for the object which was in view they seemed to be unnecessarily comprehensive. The Examiners next required the young man to

> "Write a letter describing the overland route to Calcutta *viâ* Marseilles, and containing information on the natural productions of the States through which the writer is supposed to pass, and on their commercial relations with other nations."

Why that was not a question, it was a volume.

> "Write a short life of the Emperor Napoleon I."

And then came a question which the right hon. Gentleman the Chancellor of the Exchequer could probably answer better than most persons—

> "Enumerate the struggles which England has entered into with the Chinese Empire since 1830."

He also found a question which might lead to some awkward discussions—

> "Give the names and essential characters of the minerals which enter into the composition of the building stones ordinarily employed."

Why, that was a question very interesting just at present to the Houses of Parliament; and another followed of hardly less importance—

> "From what class of substances are the noxious odours of the Thames likely to originate ; what conditions are most favourable to their development, and what means ought to be resorted to in order to destroy them ?"

Lord STANLEY inquired whether the questions selected by the hon. Member had reference to Civil or Military Examinations?

Mr. BAILLIE COCHRANE said, they were some of the questions set on the part of the Council of Military Education. What he contended was that the competitive system, whether applied to the Military or Civil Service, was equally objectionable. Young men were not only required to answer questions of the class which he had illustrated by selections, but they were also obliged to write essays. For these one of the subjects given was "a panegyric on Garibaldi, General Havelock, and Sir Isaac Newton." That particular question was intended for Civil Service candidates. Among the other subjects given for these essays was "The Recent Visit of the Queen to Germany;" with a suppositious case, "How it would be most advisable that a young man should spend a two months' holiday from a public office?" The Commissioners were very particular about "Garibaldi's expedition to Sicily," and repeated that subject no less than five or six times. But perhaps the most remarkable of all the headings for essays which he had encountered was "The late Fight for the Championship between Tom Sayers—[*Great laughter and cheering, which interrupted the conclusion of the sentence.*] Many Gentlemen were interested in geological inquiries, and differed in the views which they entertained on those subjects, but an entirely new idea was started for the benefit of the young men about to be examined—

> "Give the evidence for the submersion of the British Isles at several periods. State when the last of these submersions took place, and by what phenomena it appears to have been accompanied."

He thought he had sufficiently proved to the House that he was justified in declaring, first, that the Report was not maintained by the evidence; and, secondly, that the Civil Service Commissioners still continued the same description of questions as those to which he had last year called the attention of the House. He believed the system required modification. He lamented that the Committee had not secured gentlemen well able to give the information; that they had not examined old diplomatists like Sir Hamilton Seymour or Lord Stratford de Redcliffe; or military men of station like his Royal Highness the Commandef-in-Chief, and ascertained from them what the effect of those examinations had been on the class of men entertaining those respective services. The British army was proud of being officered by gentlemen. The Crimean war did not prove that our officers had deteriorated, or that they were incompetent for the discharge of their duties. Then what a number of first-class diplomatists we had at this moment representing Her Majesty in foreign counties. He had no hesitation in saying that this was a dangerous principle which we had introduced into the public service; and we ought to inquire into and weigh it well before we broke up the old system. *Quieta non movere*—it was dangerous to tamper with the old system, under which such admirable officers had been obtained for the service of the country, unless it could be clearly shown that the new would be productive of greater benefit to the country. Hon. Gentlemen knew what the opinion was out of doors. Persons did not like to express that opinion in public; but, privately, men competent to form an opinion on the subject would tell them that the public service was deteriorating under the new system, and it was with a view of preventing such deterioration that he begged to move—

> "That the evidence taken before the Select Committee on Civil Service Examinations proves that the system of examinations should be modified, in order to meet the requirements of the public service."

Sir HENRY STRACEY seconded the Motion.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words—

> "The evidence taken before the Select Committee on Civil Service Examinations proves that the system of Examinations should be modified, in order to meet the requirements of the Public Service."

—instead thereof.

Mr. HENNESSY wished to explain that when he put on the paper his Amendment to the Motion of his hon. Friend (Mr. B. Cochrane), he expected that that Motion would come on in a different form. But, according to the rules of the House, it was not competent to him to move that Amendment now, because his hon. Friend made his proposition as an Amendment on the Motion for going into Supply. He hoped, however, that within the next two or three weeks he should be able to submit to the House a Motion affirming the same principle as that embodied in the Amendment—namely, that the best mode of procuring competent persons to fill junior clerkships in the Civil Service would be through a system of competitive examination, open to all subjects of the Queen who fulfil certain conditions as to age, health, and character. For the present he should confine his observations to a partial defence of the Report of the Committee. The noble Lord the Chairman of that Committee (Lord Stanley) was present, and would be able to answer his hon. Friend; but, as he had the honour to move for the Committee, he was anxious to say a word on its constitution. His hon. Friend had charged the Committee with having framed a report which was inconsistent with the evidence taken before it. Now, who were the Members of that Committee? Among them were Sir William Hayter, Sir William Jolliffe, Lord Robert Cecil, Mr. Monckton Milnes, Sir Stafford Northcote, Mr. Bright, Mr. Lowe, Mr. Roebuck, Mr. Collins, Colonel Sykes, Mr. Maguire, Mr. Tite, Mr. Clay, and himself. The House would observe that he had nominated Gentlemen who were not supposed to favour the system which he advocated. He appealed to hon. Members whether the Committee was not one which fairly represented the various opinions entertained in that House on the subject of competitive examinations? The Committee examined witnesses, not, as his hon. Friend seemed to suppose, chosen for any particular views to promote the object which he and other Members entertained in regard to open competition; but they examined witnesses who, to some extent, were prejudiced against the views which he and others entertained. They examined permanent Secretaries and heads of Departments; they examined gentlemen who had entered the Civil Service under the old system, and who, if they had a prejudice, would have had one in favour of that system under which they had obtained admission, and under which they had worked. They examined gentlemen connected with the Civil Service 'Commission — the Commissioners themselves, the Examiners, and the Secretary; but it would have been idle for them to go into an inquiry as to what the public opinion—"the educated public opinion"—was on this subject. They already knew what that opinion was, and that it was generally believed that open competition would be the result of the system which at present prevailed. There were two branches of inquiry into which the Committee could not enter — the one, the effect of the present system of patronage on the public service and on the Members of that House; the other, how far throwing open the Civil Service would affect the public education of the country. Though the Committee did not feel at liberty to enter into those branches of the inquiry, he believed they were as important as any that could be discussed in reference to this subject. But taking the narrowest ground and looking at the question merely as it bore on the efficiency of the public service, he had no doubt that if hon. Members perused the evidence with attention, they would arrive at the conclusion to which the Committee had come. The gentlemen whom they examined declared, he thought unanimously, that the present system of examination, if it did nothing else, excluded inefficiency. What was the meaning of that? His hon. Friend had passed very lightly over this part of the case; but if the system did nothing more than provide a check against the admission into the public service of inefficient men, that alone would be a sufficient ground on which to defend it. But it did more. The public service was conducted at a great cost to the country, its efficiency was of enormous importance to the State, and we ought to get the best men we could for the money. How were we to accomplish that? The Committee were told by the most trustworthy and competent witnesses that, under the existing system, the country did get the best men. His hon. Friend had amused the House by reading some of the qnestions put to gentlemen who proposed to serve in the Artillery and the Engineers, for whom peculiar qualifications were necessary. One of these was a question about the submersion of Great Britain, which his hon. Friend thought exceedingly amusing; but for the Engineers an examination in geology was thought necessary, and every hon. Member must be aware that if the Examiner entered into the most superficial view of that subject he must ask questions of that kind. For the Indian Civil Service an examination in chymistry was deemed right, because it was thought advisable that gentlemen in that service should have been instructed in the various branches of a first-class education. He would put it to his hon. Friend whether his Parliamentary avocations had not prevented his paying that attention to natural science which these candidates might be expected to have given? Certain tests of ability and intelligence were required, and the Civil Service Examiners had only selected those tests which were common not only to the public Universities and schools of this country, but also to those of all Europe. He was unwilling to enter upon the defence of the Report of the Committee, because the noble Lord who presided over it was present; he could not, however, refrain from protesting against the course which the hon. Gentleman had, upon the Notice which he had placed upon the paper, taken in impunging the examination papers and denouncing the whole system of examination for the public service and the scheme of public competition, instead of frankly and boldly bringing his opinions forward and taking the sense of the House upon it.

MR. MONCKTON MILNES: I think the hon. Gentleman (Mr. Cochrane) has not quite laid sufficient ground for so important a Motion—because if he brings it to a division he calls upon us to reverse the decision of a very important Committee upstairs, which the House will hardly be prepared to do upon the reasons he has submitted. Although this is the longest day of the year, yet it was hoped this would be one of the shortest of Sessions; and the House is, I think, hardly in a state of mind to enter upon the merits of a somewhat abstract question. Having sat upon the Committee upstairs, I am bound to say that the Resolution to which the Committee came represented rather the state of mind of the majority of the Committee than the result of the evidence. The hon. Member (Mr. Hennessy) has read the names of the Members of the Committee, and any one cognizant of the opinions of those hon. Members must see that he went into the Committee with a very well-secured majority. I do not impugn the fairness of the Committee, but I may appeal to any one who will read the evidence to say whether it justified the Report? The Committee was composed of Gentlemen who attached more importance than I do to the system of competitive examination. I trust that in nothing that I have done either here or elsewhere have I ever been the advocate of ignorance. I am in favour of instruction, and of giving encouragement to education in every possible manner. But the position I hold is that an undue prominence has been given to these Civil Service Examinations, that results have been expected from them which are not likely to be realized, and that they cause an enormous degree of individual trouble and even suffering without any correlative public good. It must be remembered that in this Civil Service examination you have established a new and expensive branch of the public service. It is impossible that among the body of gentlemen thus employed there should not be a strong *esprit de corps*, that they should not exaggerate the importance of their functions, and induce others to believe that the whole efficiency of the public service depends on a set of clever boys answering a set of clever questions. But the clever boys will not necessarily make the best public servants. Every one's experience furnishes him with instances of the little adequate success in public life of those who have gained the highest University distinctions. It does not follow that those youths who give evidence of the power of fixing their attention and acquiring knowledge must necessarily make the best public servants. I am not prepared by voting for the hon. Gentleman's Motion to join in a vote of censure upon the Select Committee, but I think he is justified in bringing the matter before the House, and I should be glad if hon. Members will take down the blue book from their dusty shelves and run their eyes over the evidence taken by the Committee; I wish they would read the evidence given, for example, by Mr. Waddington—a man who combines the knowledge of the scholar with the acuteness and administrative faculties of the best men of the world—and then contrast that with the evidence given of casual failure on the part of certain officers whom it was necessary to bring together on a sudden—say ten years ago, on the collection of the census. Hon. Members would then be in a condition to say whether the Committee have given fair weight to the evidence before them. We, the minority, protested against the interpretation of the evidence, and that, I think, will be the decision of any one who reads the blue book. The Committee were presided over by the noble Lord (Lord Stanley) with great judgment and ability. I do not wish to throw any slur upon their fairness. The majority availed themselves of their privilege, and they made the Report in which the noble Lord illustrated his opinion in an able manner, but in which the Committee did not, I think, give all the weight it deserved to the opinion of such witnesses as Mr. Waddington. One plain result of your system of examination is that it has effected one good purpose of excluding great inefficiency; but it does not necessarily follow that you ought to carry it much further, or that you should go on to institute a competitive examination for all the offices of the State. A competitive examination is, in fact, the most uncertain of all examinations. Take the case of three young men competing for an office. If two out of the three happen to be men of ability, the test is a good one for the third, but if they happen to be men of little or no ability he may gain an easy victory. Perhaps the Chancellor of the Exchequer prefers the system of examination that prevails in another country, and which was recently illustrated by a Chinese gentleman who resides in this country, and who is the Chinese Examiner for the Civil Service Commission. This gentleman mentioned with pride that in his native country he came out of an examination where there were no less than 8,000 candidates. I do not know whether the aspirations of my right hon. Friend would bring about such a result. I should not myself desire to see it, nor do I think our present system of competitive examination compensates for the annoyance it causes to individuals by the benefit it confers upon the State.

LORD STANLEY: I congratulate my hon. Friend who has brought forward this Motion on having at last succeeded, after four or five unsuccessful attempts, in bringing this subject fully and fairly before the House. I can only say that if any one of those gentlemen in whom he takes so strong an interest, and who have not been fortunate enough to satisfy the requirements of the Civil Service Commissioners, had shown half as much industry and perseverance in supporting their pretensions as he has on their behalf, I do not think there would have been any grievance or failure on their part. My hon. Friend has raised two questions which, though connected, are at the same time quite distinct. On the general argument I am ready to meet him—namely, as to the merits or demerits of a system of public competition. But he has also made a specific charge against the Committee, that the Report to which they came is contrary to the evidence on which that Report professes to be founded. Now, a charge of unfairness against a Committee is one of a grave character, and I wish that my hon. Friend, if he thought himself justified in preferring such a charge, had gone more into detail, and had furnished more ample proof in support of his assertion. Because, when you are dealing with evidence extending through 400 folio pages, it is not a very satisfactory way of giving the general effect of that evidence to look for any sentence you may find here or there in favour of your own view, instead of collecting the general sense and purport from the perusal of the whole. I have not been able, in the short time that has passed since my hon. Friend addressed the House, to refer more than cursorily to the evidence which he professed to cite; but I have seen enough to enable me to say that, even in regard to the witnesses referred to, the statements of my hon. Friend are not entirely borne out by the evidence. My hon. Friend began by quoting Mr. Arbuthnot, and made a great point by representing that, according to Mr. Arbuthnot's evidence, certain clerks coming into the service by the competitive system are, from their position, dissatisfied with their appointments. Now, going rapidly over the evidence, I find that Mr. Arbuthnot has given the following answers:—

> "Q. 795.—That being the case, do you think it is fair to ascribe what you call the discontent in that class to the system of competition?—Certainly not.

And he goes on to state what, in his belief, is the real cause of this alleged discontent—

> "Q. 796.—Do you think that the fact of holding those offices up to competition does to some extent induce men to think them more valuable than they really are?—I cannot say. I think that the salaries are fixed much too high for the class of work that is required, and that that has tempted men of superior intelligence to compete for them."

Therefore, according to Mr. Arbuthnot, whatever may be the reason of the discontent to which my hon. Friend referred, the competitive system is not the cause. I quote this instance, not because it is in itself particularly important—for the class alluded to is a very limited class—but I refer to it because it is an example of the manner in which the evidence has been dealt with by my hon. Friend.

MR. BAILLIE COCHRANE: Will the noble Lord read Questions 772 and 805?

LORD STANLEY: I do not think it is my business to read over such portions of the evidence as my hon. Friend may select; I am only endeavouring to show that his own witnesses do not support his attack on the Report of the Committee; but if my hon. Friend thinks I am doing injustice to his argument, other hon. Members who take the same view with my hon. Friend will be able to reply to my remarks. I am simply defending the Report of the Committee. With respect to the evidence of Mr. Tilley, I do not find any fault with the manner in which it has been used by my hon. Friend. That evidence is, on the whole, unfavourable to the system of competition; and, unfavourable as it is, it will be found summed up in the Report. And here let me say once for all, that, whatever other fault may be found with our Report, there is one part of it to which I believe my hon. Friend can take no objection, and that is the summary given of the evidence of the witnesses. The fairness of that summary may be relied on, and I will tell the House why. All parties were represented on the Committee; there was considerable difference of opinion on the abstract question of competition or no competition; every proposition which admitted of dispute, and a good many which I should have thought admitted of no dispute, was controverted, yet it will be seen that those paragraphs in which the evidence was summed up were passed without any division, or with not more than one division. That is a sufficient proof that the summary fairly represents the bulk of the evidence taken before the Committee. I now go on to the case of Mr. Romilly. That gentleman was quoted by my hon. Friend as being one of those who evidence was hostile to the principle of these competitive examinations; but, in answer to questions put to him, he stated (Q. 2,749-50) that the effect of the examinations before the Civil Service Commissioners had been to increase the efficiency of the clerks, and that previously to the Civil Service Examinations certain clerks, totally inefficient, came into his office, but that since that time no such case had occurred, and that he thought there was now a marked difference. That gentleman went on to say, at Q. 2,810, that many years since, before the Civil Service Commissioners were in existence, a gentleman was appointed in his office who could hardly read or write—he was, in fact, almost an idiot, and there was the greatest possible difficulty in getting him out of the office. I think, therefore, that it was not a very wise proceeding on the part of my hon. Friend to call Mr. Romilly as a witness in his favour, if, as he said, he wanted to prove the deterioration of the service in consequence of the examination test. I proceed to the case of Mr. Waddington. Everybody knows that he was a strong opponent to the institution of the Civil Service Commissioners, and my hon. Friend quoted evidence formerly given by him to that effect. He is not now favourable to the system of unlimited competition; but, from his answers to questions put to him before the Committee, the House will see that it is not reasonable to cite him as being one of those whose evidence is entirely opposed to the system of competition; for he answers the questions put to him thus—

> "Q. 3,013.—Taking into consideration the system of limited competition among a certain number of candidates, do you think that that system has decided advantages over one of simple nomination?
>
> "Answer.—I should prefer it, undoubtedly; and I think it is not open to any objection on the score of inconvenience, and that it does give some additional chance of having superior men."

And in the next answer he goes on to add, that—

> "Within the limit where no great inconvenience is produced by the number of candidates, he should prefer a more extended competition."

Yet the hon. Gentleman quotes Mr. Waddington as one of the witnesses to whose evidence justice has not been done. I do not wish to weary the House with extracts; but still, as we have been charged with misrepresenting the evidence, it is necessary to show that the charge is without foundation. Mr. Hammond is my hon. Friend's last witness, and he says (Q. 3,433) that he is—

> "Perfectly satisfied with the clerks who have been appointed since competition has been established; he has no reason to doubt that they will come up to the standard required."

And now I think I have done something to refute the charge brought against us if I show that four out of the five gentlemen cited by my hon. Friend have given answers which, in a more or less degree, are favourable to the system of competition, while the fifth, whose evidence is partially unfavourable, is quoted at full length in the Report. I now pass on to a minor matter, and I do not think my hon. Friend dealt quite fairly with the House when he read out the list of questions which excited so much amusement. They were not questions put by the Civil Service Commissioners, or to candidates for the Civil

Service, and, therefore, have nothing to do with the evidence taken before this Committee, but they were introduced in the present discussion because it was thought that they would throw ridicule or odium on the system. It is not my business to defend the aptness of every particular question asked by every Examiner, and in the list read by the hon. Member there were some which, perhaps, had better not have been put. At the same time I think that, even in reference to these questions, justice has not been done by the manner in which they have been quoted, because anybody who heard my hon. Friend read them out would suppose that these were questions which every candidate was expected to answer. So far from that I find that the five or six subjects for English composition which excited so much amusement have been selected, not at random, but very ingeniously for his purpose, from a list of sixty-nine subjects, on any one of which a candidate might write his essay. If you are to have a test of English composition, a considerable latitude of choice must be given, and it cannot affect the general character of the examination that some out of a long list of questions had better not have been put. Then my hon. Friend says, "Why did you not examine other witnesses besides those which you called?" I do not think that either members of the diplomatic body or military officers are at all likely to know so much of the requirements of the Civil Service as those witnesses whom we did examine. I deny most strenuously that we refused to call any witnesses on the ground that their views were hostile to the views of a majority of the Committee. I know enough of the feeling of those with whom I sat to feel assured that if there was any bias in the matter they would be more scrupulous of hearing in the fullest extent the case of those who constituted a minority rather than the case of those whose views they themselves supported. Both parties were fairly represented. Our discussions were animated, and not brief, and no complaint was ever made by any Member of the Committee that material evidence was excluded. With regard to the more general question of limited or unlimited competition, I almost hesitate to go into arguments which have been so often reiterated. But I must just observe that my hon. Friend cuts the ground altogether from beneath his feet when he says—not very consistently with his former remarks—that he does not object to a mere pass test, however severe. The strongest argument for a competitive examination is that a mere pass test can never be kept up. When there are the interests of the candidate on one side and only the interest of the public on the other, there is always an inclination to lower the test, and make the admission easier; and thus a test which at the beginning is very strict often ends in being no test at all. But the moment you introduce the competitive element that difficulty altogether vanishes, because, although an Examiner may be inclined to show tenderness to a candidate who ought not to pass, he has no possible motive to favour one candidate in preference to another. My hon. Friend complains that when a competitive examination is the mode of entering the service a man's career depends on the accident of his examination being successful. No doubt, no test that you can devise, whether intellectual or otherwise, can be absolutely conclusive. Accident plays a large part in all human affairs. All men do better at one time than they do at another. But when it is said that a man's career may turn on an accident, let us look at the matter on the other alternative. Is it not better that a man's career should depend on the accident that he has done a little better or a little worse on one particular day than on average occasions, than that it should turn on the accident of his having been born in a small constituency, whose representative is intimate with a Minister having a good deal of patronage at his command? It has often been said, and may be said again to-night, that the system gives irresponsible patronage to the Examiners. But, replying to that in advance, I say that I can as little conceive that the system gives to the Examiners an irresponsible patronage over the Civil Service appointments, as I can conceive that the Judges of the land have an irresponsible power over property because they decide the disputes of those who come before them as litigants. The hon. Gentleman has proved that the Examiners are not irresponsible; for he, and another hon. Friend of mine on a former occasion, have given ample proof of willingness to criticise whatever they may do amiss. Their decisions—I do not mean in individual cases, but the general principles upon which those decisions are formed—are subject to the criticism, and, if need be, to the censure of the House, and that responsibility is much more likely to be enforced than the responsibility of a person holding a judicial office. We do not complain of the irresponsibility of a magistrate or a County Court Judge when they judicially decide on cases which come before them; and yet it is very difficult to say that the magistrate who sentences a man to imprisonment, and the County Court Judge who tries claims to considerable property, do not exercise quite as important powers as the Examiners when they decide that a man shall or shall not enter the Civil Service. Then, there is the old objection of "cramming." If, when the word is used, it is meant to apply to a candidate who learns for the purpose of the examination by rote something which he does not understand, then, in that strict sense, cramming is one of the rarest things possible to happen, because it is much more difficult for a man to learn that which he does not understand in order to reproduce it from memory on paper, than to learn that which he does understand. If all that is meant by cramming is that candidates acquire a good deal of knowledge for the examination which they afterwards contrive to forget, I do not deny that cramming takes place; but to it I see no objection. We all of us at some period of our lives do the same. Counsel, who have to get up briefs, or Members of this House who wish to speak on questions of the day, must prepare themselves in much the same manner; and I believe there is no better test of a capacity for business in its higher branches than the power to acquire accurately, and to reproduce easily, knowledge which has been gained for the occasion. A good deal has been said as to the test being an intellectual test, and not a test of moral character. My answer to that is that in the case of the Civil Service Commissioners there is precisely the same test of moral character as in the case of patronage exercised by a Minister. Any one against whom anything is known is not admitted; and it is idle to say that the knowledge of a Minister as to the persons whom he is appointing goes further than that. I do not defend the system of competition merely on the ground that it is an assistant to public education. Of course, the object is to get the best men to carry on the work of the Civil Service; and we ought not to sacrifice that object to any other consideration, however important. But there is one point which we ought to consider, and it is this:—I believe that any person who is interested in our Parliamentary form of Government and in the purity of public life must be glad to do that which in him lies to diminish—I do not say that kind of patronage which is exercised before the public, the right of appointing to high and important places, because that right is generally exercised in a very fair spirit—but to diminish or restrict that kind of patronage which, from its unimportance, is not exercised under any check or control from public opinion, and which, nevertheless, in some constituencies, may be as effective a means of demoralization as the most open bribery. I do not mean to dwell upon that. I should have been prepared to go into a general discussion; but before doing so I should have preferred to hear more fully what can be said on the other side. My chief object is to vindicate the fairness of the conclusions to which the Committee came, and to show that the Report is fairly founded upon the evidence before us. And if the House will only bear in mind the instances which the hon. Gentleman has himself selected, and the comments which I have made on those instances, I think they will not come to the conclusion that we have abused the important power which the House reposes in every Committee—that of investigating and reporting upon facts which from their multiplicity and minuteness cannot possibly be examined in detail by the House itself.

Mr. BENTINCK maintained that the opinion he had on a former occasion expressed—that the Civil Service Commissioners possessed an irresponsible power—was a correct one. He had heard nothing at present to confute it. The noble Lord who had just resumed his seat had compared them to County Court and other Judges; but he saw no affinity between them; the one had to decide upon a right, the other upon the merits of a candidate. The Commissioners were not only completely irresponsible, even to public opinion, but they contended that if they were once made responsible their utility would be gone; and, therefore, it was that they declined to give the grounds on which they arrived at their decision, contending that nobody had any right to make any inquiry into the course of proceeding which they might have followed; yet on that decision rested the patronage of all the public offices in this country. He asked the House was that a position which could be maintained for one moment? and whether the Government could point to any other body of men who were totally irresponsible? He had ventured to impugn that position last year, and inasmuch as it had been now alluded to, he had thought fit to revert to this question of responsibility, and to show that by their own language they would consider that if once they were made responsible they would be rendered useless.

THE CHANCELLOR OF THE EXCHEQUER: I do not rise to trouble the House with anything like a reply to the speech of the hon. Member who introduced the subject, for it would be quite superfluous to do so after the able speeches of the hon. Member for the Queen's County (Mr. Hennessy) and the noble Lord the Member for King's Lynn (Lord Stanley). The hon. Member who has just sat down has very judiciously avoided any defence of the statements of the hon. Member for Honiton (Mr. B. Cochrane), and has raised another issue which forms no part of the proposition in the Motion. I really must appeal to my hon. Friend the Member for Honiton as to the manner in which he has treated this question. I believe him to be the last man in the House who would be guilty of wilful misrepresentation; but, through the inveteracy of the prejudices—I might almost say of the passions—with which he has approached the discussion of the subject, he has certainly fallen into unconscious misrepresentation. For instance, my hon. Friend cited Sir James Stephen as a witness to the admirable condition of the Civil Service in the golden age prior to the introduction of these abominable examinations; but the passage which he quoted refers to a totally different matter, and embodies Sir James's opinion on the competitive system, which, as all the world knows, was unfavourable in the last degree. Sir James Stephen, in his evidence, divided the civil servants in the Colonial Department into three classes:—The first class, he said, comprised the narrow circle of men of admirable abilities; and the second the men who performed their duties diligently and faithfully. Sir James went on to say—

> "The members of the third class, who formed the majority of the members of the Colonial Department in my time"—ranging from 1812 to 1848 or 1850—"possessed only in a low degree, and some of them in a degree almost incredibly low, either the talents or habits of men of business, or the industry, zeal, or knowledge required for the effective performance of their appropriate functions."

MR. BAILLIE COCHRANE: I believe I copied accurately the passage which I read from Sir James Stephen's evidence.

THE CHANCELLOR OF THE EXCHEQUER: I have no doubt my hon. Friend did so. What I say is that it referred to a different point from that on which he claimed the support of Sir James Stephen's opinion. Sir James, however, told us further how the large class of inefficient men whom he had described came to hold office. He said—

> "The members of that class to which I have given the designation of the third class were, without exception, men who had been appointed to gratify the political, domestic, or personal feelings of their patrons—that is, successive Secretaries of State."

I am somewhat surprised that my hon. Friend should presume to challenge the fairness of the Report of the Committee, regardless of the fact that it was composed of men to whom the House gave their confidence, that it embraced every shade of opinion, and that the view adverse to competition was backed up by the support of two Secretaries to the Treasury on opposite sides of the House, who found no reason to appeal against the decision of the Committee. Yet my hon. Friend comes down armed with a great blue book, reads certain passages, selected in the manner of which the noble Lord opposite has exhibited the fairness, and calls on the House to reverse the decision of the Committee. A stranger proposal I have in my Parliamentary experience scarcely ever heard. I regret for the sake of my hon. Friend himself, but also for the sake of others, the keenness and warmth with which he presses this question. I cannot think that he is sufficiently mindful of what we owe to the Civil Service Commissioners. It is beyond dispute that these Gentlemen are engaged in the performance of a duty which is in itself a very difficult one, and which, moreover, they have to fulfil in the face of great pressure from personal and selfish interests. They are the friends and champions of the public interests against interests of another character—very watchful interests, which, without the countenance which they receive from the hon. Member, are always sufficiently vigilant and determined in carrying out their purposes. I think that Gentlemen in that position are entitled to be spared being made the subjects of ridicule and sarcasm, especially of ridicule and sarcasm founded upon selections of questions made with so much, I am sure involuntary, but substantial unfairness as those of my hon. Friend. What

I think most unfair in his mode of dealing with this subject was that in the early part of his speech he led us to suppose that he was dealing with questions asked of candidates for situations in the Civil Service, strictly so called, and proceeded to quote a number of questions which we imagined were to be put to letter carriers, clerks, or tidewaiters; and it was not until he was interrupted in a very timely manner by the noble Lord the Member for King's Lynn that he, with apparent reluctance, disclosed that the questions as to the component parts of stone and the submersion of the British islands were not to be asked of letter carriers, tidewaiters, or clerks, but of gentlemen who were intended for the service of Engineers, and who, therefore, absolutely required a knowledge of those subjects. The perseverence of my hon. Friend is so great that I have no doubt that even, although his Motion is negatived to-night, he will return to the charge; but I do beseech him, if he does so to make his attack, if he pleases, with so much courage and as determined a spirit as he has shown to-night, but, at the same time, with greater care, with greater fairness, and a more anxious desire to do justice, not merely to the feelings, for that is but a small matter, but the efficiency of those gentlemen who were engaged in most important duties. My hon. Friend is very zealous for a test examination; but I am afraid that the reason he is so fond of such an examination is that for which other persons dislike it. If we could really keep a test examination up to the mark, I do not think that there is much to be said against it. That, however, is impossible; and, knowing that defection is the necessary law of test examinations—that they are perpetually tending downwards, therefore it is that my hon. Friend professes his inclination and admiration for them. I will not enter more at length into this subject, which has been succinctly, but very ably treated by the noble Lord the Member for King's Lynn; but I must tell the hon. Member for Honiton that he quite misapprehends the case when he speaks of the discussion in which he has been engaged, and the system which now exists, as one of competitive examination. The truth is, it has been only to a very limited degree a question of competitive examination. It would, indeed, be absurd to think that such a system could be brought to a final test and judgment upon the evidence which is now in our possession. It appears to me that the Committee upon the whole took a judicious course in not attempting to make any great change of principle in this system, but endeavouring to make it what it professes to be, and to provide that it shall be really, even though to a limited extent, a system of competition. The main object of the Committee was to provide that the competition which now exists should have a certain foundation which should be given to it by a previous test examination. As my hon. Friend the Member for Pontefract (Mr. M. Milnes) has said, the compeion under the present system is in many cases almost nugatory; it may, in some instances, happen that all the candidates are unfit to stand. At all events, we cannot judge fairly of the principle of the present system until by some such means as are recommended by the Committee a test examination shall be introduced, in order to insure the reality of the subsequent competition. I think that the evidence which has been quoted, especially that of Mr. Waddington, who, though formerly an opponent of, has now given his sanction to, the principle of a limited competition, shows that this system, as far as it has gone, has upon the whole done good. If we desire to prevent a recurrence to the intolerable abuses of the old system, and to secure the full benefit of the new one, we must proceed in the spirit of the cautious and judicious recommendations of the Committee; and if we do not try anything of a broader character let us at least endeavour to insure the reality of that competition which we have adopted as the condition of first entrance into the lower offices of the public service.

Lord ROBERT CECIL said, that after the language in which the right hon. Gentleman had addressed his hon. Friend, the Member for Honiton, and the severity with which he had challenged his statements, he should not be acting fairly to his hon. Friend as one who thought with him if he did not say a few words upon the subject. The reference of the right hon. Gentleman to the opinions of Sir James Stephen was a fair sample of the mode in which Motions of this kind were always met. They urged that this system was causing the decay of the Civil Service, and were answered by being told that before that system was introduced there existed great abuses. It was true that Sir James Stephen had spoken in severe terms, which were indignantly protested against at the time, of the old Civil Service as it existed in his time; but it was equally true that he had spoken in terms still stronger and still more contemptuous against the system of competition. The right hon. Gentleman, the noble Lord, the Member for King's Lynn, and his hon. Friend, the Member for the King's County, had all relied much upon the verdict of the Committee; but, constituted as that Committee was, consisting as it did of ten eager competitionists, of four who were opposed to competition, and of one Gentleman whose opinions were not decided, its Report could not be held to be a fair representation of the opinion of the House of Commons, nor was it a tribunal to which any one could appeal with confidence. Nothing could have been more unjust than to charge his hon. Friend with garbling the extracts which he read from the evidence, and he would ask the right hon. Gentleman whether, taking the opinions of the whole of the witnesses, his hon. Friend had not rather understated than overstated his case? The opinions which Sir Thomas Fremantle obtained from public servants engaged in the Custom House would show whether or not his hon. Friend had misrepresented the facts. One gentleman said that there was about the clerks who had been appointed under the new system a self-sufficient presumption arising from imagined intellectual superiority. Another gentleman spoke of "a desire for literature in business." Another complained of "a fondness for discussion, argumentative display, and private reading and writing during office hours." One head of a department complained that his clerks looked upon their duties as beneath their abilities, and another stated that "the clerks possessing more intellectual abilities than their duties require become dissatisfied with the motony of their occupations, and are less valuable than clerks of sufficient though less attainments." These were strong and important statements, especially coming as they did, not from private individuals, but from heads of Departments, who suffered from the defects of which they complained. His noble Friend complained that a charge of unfairness had been impliedly made against the Committee, and had not been substantiated by evidence in detail. The Committee had certainly not given to the evidence of the Custom-house officers the weight which they deserved; but there was a far stronger point against them. The Committee reported directly in favour of open competition; while, with the exception of Mr. H. Chester, who was a member of the Society of Arts, all the heads of Departments had pronounced an opinion strongly against it. Sir Thomas Fremantle, Mr. Tilly, Sir Benjamin Hawes, Mr. Romilly, Sir Richard Bromley, Mr. Sargeant, and Mr. Waddington had, among others, said that open competition would be injurious to the public service, and some of them had used the strongest terms in expressing their opinion; yet the Committee had, despite that fact, reported that the evidence which they had received was in favour of open competition. Now it appeared to him to be impossible to adduce a stronger case of a verdict against evidence. But if he were to make any positive charge of unfairness in the matter, it would be with respect to the composition of the Committee, who, not unnaturally, drew up a Report in accordance with the opinions which the majority of its members were from the first known to entertain. He had risen to repel the attack made upon his Friend, the Member for Honiton, and would not, therefore, further pursue that subject. But he would express his surprise that the right hon. Gentleman, the Member for the University of Oxford, should, with his experience, have endorsed the opinion that test examinations were incapable of being maintained at the level on which they were originally placed. That the noble Lord, the Member for King's Lynn, who was a Cambridge man, should entertain that view he should not be so much astonished; but, be that as it might, there was at Oxford a certain standard fixed to which every candidate was expected to come up, and, although that system had been going on for the last thirty or forty years, he had not the slighest complaint that the standard had been lowered either in deference to the wishes of the parents of the candidates, or from other causes; the complaint, on the contrary, being that it had risen year by year. It was, he might add, unjust to charge those who took the same view of the subject under discussion as he did with being animated by a desire to set themselves in opposition to merit or to protect ignorance. The first question in reference to persons seeking public enployment should be as to their merit; and for his own part, he was ready to admit that examinations properly conducted were, to a certain extent, a very efficient means of ascertaining merit. While, however, he made that admission he could by no means concede that because a man was found to possess some scholarly and literary merits, he was, as a matter of course, fitted to be appointed to a clerkship in a public office, or to be nominated to an ensigncy in a marching regiment. There ought, he maintained, to be some sort of connection between the examination to which a candidate was subjected and the profession which he was about to adopt. The supporters of the present system discovered that a youth could compose an eloquent panegyric on Garibaldi, or turn love verses into the form of a Latin elegy, and then they were ready to make him a clerk in an office, to post up accounts, or send him to govern a whole district in India. To proceed upon that system was, however, he should contend, just as absurd as it would be to appoint a man Archbishop of Canterbury because he happened to be a good rifle shot, or to give him the command of an army in the field because he was able to preach an effective sermon. It was this incompatibility to which the opponents of this system objected. It was said that this system worked equally well for the candidates as for the public service, and that there was nothing so onerous or burdensome to a candidate for a public appointment as to have to loiter in antechambers seeking for the patronage to great men. Now, for his own part, he was far from desiring that that should be the case; but having adverted to the point, he might be permitted to draw attention to the injury which was inflicted on the candidate under the present system. Great eulogiums had been passed on the Civil Service Commissioners, and he should be the last to seek to detract from their merits; but he must, at the same time, remind the House that those eulogiums were beside the question. Parliament, in dealing with the subject under discussion, was legislating, not for a few years but for all time, and it might be that new Commissioners with very different characters from the present might be appointed under very different circumstances. Bearing those considerations in mind, he should endeavour to point out to the House the injury which was by the existing system inflicted on the candidate. That system had, he should contend, been justly called a system of irresponsible patronage. It was, indeed, sought to be maintained that the Judges of the land might, with as much propriety, be called irresponsible as the tribunal to which he was adverting. There was, however, the striking difference between the Judges and the Commissioners—that the former transacted their business in the light of day, and that their proceedings were published in the newspapers and freely commented upon by the community at large—so that if it should happen by any chance that one of their body was found to be corrupt or incapable, public opinion might immediately be brought effectually to bear upon the matter; the Civil Service Commissioners, on the other hand, conducted their proceedings in the dark, ascertaining from written papers what the merits of the several candidates were, deciding upon those merits without any publicity, and pronouncing a decree from which, though it might involve the success or ruin of a young man, no appeal was allowed, either to a superior Judge appointed to revise the verdicts of his inferiors, or, as was proved by the experience of last year, even to the House of Commons itself. Without, therefore, wishing to say one single word which could be construed as offensive to the Commissioners, he could not help declaring it to be his opinion that such a system as that of which he was speaking was fraught with danger in a constitutional country like England. They had no right to hand over that patronage of the Crown which escaped public attention to men who judged in the dark, who had no check from publicity, and from whose decision there was no appeal; and he believed the House of Commons would before many years be disposed to look upon the question in a much more serious light than was at present the case. There was as yet, he was aware, no chance of inducing hon. Members to set aside a system on behalf of which it might, perhaps, with some reason be urged that it had not yet had a fair trial; but he could not, at the same time, help saying that he did not think the Chancellor of the Exchequer was justified in charging those who held opposite opinions on the question from himself with being neglectful of the public service, because they had deemed it their duty to point out the vices of a tribunal which had no parallel in England.

Sir STAFFORD NORTHCOTE said, he thought that if the remarks of the noble Lord could be said to be directed against any body in particular that body was the House of Commons, who had, he contended, appointed an unfair Committee. If, he might add, the noble Lord was so strongly opposed to the composition of that Committee as he seemed to be, he, among other Members, ought to have objected to its appointment. He thought, however, that the fairness of the Committee was to be inferred from the modification of its Report, which did not go to the full length of either opinion. The noble Lord was evidently very much dissatisfied with that Report; and, for himself, as a pledged competitionist, he might say that he also was, in a certain degree, dissatisfied, or rather unsatisfied, with the extent to which it went. The Committee stated that they were undoubtedly of opinion that the evidence which they took made strongly in favour of open competition, but that they were anxious to avoid such precipitancy in the adoption of the system as might lead to a reaction in public feeling. They then proceeded to advise the adoption, not of a system of open, but of limited competition, founded on nomination. The evidence which they received from the public servants, he might add, was to the effect that the present system was successful so far as it went, that it required to be developed, but that they regarded it as not having been sufficiently tried to enable them to speak with sufficient confidence with respect to it. Of the witnesses, of whose impartiality there could be no doubt, an immense majority was favourable to the present system. Seven or eight gentlemen holding high office—Mr. Hammond, Sir Benjamin Hawes, Mr. Romilly, Mr. Sargent, Mr. Trevor, and Major Graham—in the different departments, all spoke of the system as having worked well; the evidence of two other witnesses did not touch the particular question; and there were but four witnesses who, on the whole, objected either to the system of examination or to that of competition. Mr. Lingen of the Education Board, who objected to competition, confined himself entirely to theory, and did not adduce any facts in support of his arguments. Mr. Arbuthnot of the Treasury was peculiarly placed, being, in fact, the representative of the old body of civil servants. In his opinion the system worked well with regard to the superior clerks in the Treasury, and, no doubt, it excluded dunces; but, with reference to the supplementary clerks, he thought it had worked unfavourably. Happening to know something of the condition of the supplementary clerks he cross-examined Mr. Arbuthnot, and elicited that the discontent prevailing among them was in no way caused by competitive examination, but arose from the erroneous and false system of salaries which was adopted. Sir Thomas Fremantle, though favourable to the system in one or two points, was, on the whole, decidedly opposed to it, and that fact was in no way disguised by the Report of the Committee, but his evidence was fully and fairly set forth. However, as additional opportunities were afforded of investigating the statements made anonymously by officers at the outports, the extraordinary stories about persons physically unfit for duty who were appointed by the Civil Service Commissioners, to the exclusion of others in every way qualified, had entirely broken down; for it turned out, as would be seen by reference to the last Report of the Civil Service Commissioners, that every one of the incompetent persons was originally nominated and recommended by these very officers at the outports who now complained of them. The Civil Service Commissioners recommended a scheme in which physical qualifications would be the test, and Sir Thomas Fremantle, he believed, adopted that scheme. His noble Friend stated that some of the gentlemen appointed were very high and mighty, and altogether above their business. But in the good old times, when men were selected by patronage, he had known a case in which a man was appointed a tidewaiter who was son to an influential voter in a certain borough, which had the honour of returning a Cabinet Minister. He soon found that the post was very much below his deserts, and he declared that he would get his influential friends to remove him; but in the meantime he became so insubordinate that he had to be dismissed. He went to his right hon. Friend and succeeded in getting appointed to another situation, which he held for two or three years; but ultimately he had to be again dismissed for insubordination by the successor of the right hon. Gentleman. Yet this had happened under the patronage system—that golden age, which was now broken up. Mr. Tilley, of the Post Office, said the effect of the Civil Service Examinations was to render it impossible to get proper persons to execute the duties of sorters, letter-carriers, and other inferior officers. But, on cross-examination, he admitted that the best remedy would be in open competition, and that no difficulty whatever existed in getting men from a similar class for the police. The Commissioners wrote to the Postmaster General, proposing that the system, which was apparently favoured by Mr. Tilley and Mr. Trollope, should be adopted. The Duke of Argyll, who was then *locum tenens* at the Post Office, approved the suggestion, and, physical qualifications having been adopted as the test, the minor appointments were thrown perfectly open to competition; but on the accession to office of Lord Stanley of Alderley, without a single reason assigned, the open system and the physical test were abolished, and the appointments at the Post Office were replaced on their old footing. He did not mean to impute anything improper to Lord Stanley of Alderley, who might have had very good reasons for the course which he adopted; but it was unfair in the same breath to complain of the educational qualifications required by the Civil Service Commissioners as impediments, and to repudiate the improvements which they suggested. The matter ought to be treated in a different spirit. The Commissioners had no wish to interfere with the Departments, but they entertained a belief—which he was persuaded was the right one—that if good men were wanted the appointments should be thrown open to competition. Sufficient evidence had been obtained to show that there was not the slightest inconvenience or danger in open competition, and were it adopted the absurd difficulties which arose from the attempt to enforce a test examination would cease to exist. The way in which the evidence and opinions elicited by the Commissioners had been quoted was most extraordinary. He wished to call the attention of the House to what Sir James Stephen said in evidence, which, in the report of Sir Charles Trevelyan, himself was described as the "evidence of an eminent public officer." In that statement he said that he remembered only four instances in which young men had been introduced into the public service on the ground of eminent fitness. After having attacked the system of open competition, Sir James went on to say that in order to provide a remedy for the evils which existed in his time. he would subject each nominee to an examination, to be conducted by strangers to the Government, by men of indisputable learning and integrity, who would admit every candidate who had attained a certain standard of knowledge and reject those who had not. [Mr. B. COCHRANE: He says more.] It was quite true that Sir James Stephen did speak of the rashness of plunging into deep dark waters without first making an experimental attempt; but such an attempt had been made. A Committee was appointed last year on the Motion of his hon. Friend the Member for the King's County (Mr. Hennessy), and after a full inquiry the Committee made a conscientious Report which, while not going the length to which the private opinion of certainly a large majority of the Members extended, recommended a small tentative experimental advance on the existing system. One witness spoke strongly against the competitive system. He alluded to Sir Richard Bromley, who was in favour of preserving nominations, and said he trusted the system would never be carried to open competition; adding that, as an old public servant, he hoped he should never see the tie which existed between Members of the House of Commons and the public service severed. But what did Sir Richard Bromley say in 1854? Why, he complained that in some branches of the public service there was a want of that moral tone which was so essential in the common affairs of life; and he spoke of men of talent seeing their inferiors advancing before them. Sir Richard Bromley's principal objection to the abolition of the nomination system seemed to be that it would deprive Members of that House of the advantage of putting their relatives and friends into public offices. He believed that to be at the bottom of the whole thing. His hon. Friend had read the titles of some of the essays which candidates were required to write; but there were others which he might have read with equal advantage. One of these was "Write a letter as to a friend describing the nature and duties of the office for which you are a candidate, and the qualifications you have for it." Another was "Write a letter applying for any place or situation, and mentioning any reason you have in support of your application." Under the existing system there might be a number of able young men, fit to enter the public service, but who could not get nominations because the party with which they had influence did not happen to be in power. Such young men watched every division in that House, and every election; but perhaps the change did not come till they were too old. That was a state of things which we should put an end to as soon as possible.

He believed we should never get rid of it till we adopted that which we must soon come to—a system of open competition.

MR. MAGUIRE said, he was a Member of the Committee, and he quite admitted that the Report of the Committee was not so strong as he could have wished. At the same time he fully admitted the fairness and impartiality with which the noble Lord had summed up the evidence. The hon. Gentleman had endeavoured to establish that great injury was being done to individuals by the present system. In reply to that he would refer to the evidence of Major Graham, who was appointed the chief of a new office, which was improvised in 1836, that of the registry of births, marriages, and deaths. Mr. Graham said that on the occasion of the establishment of that office many persons were appointed to situations in it who were very objectionable, through age, broken health, bad character, or want of proper qualifications. One person had been a fraudulent debtor, another had been guilty of fraudulent acts, a third was unable from ill health to associate with his fellow-clerks—he had been obliged to live in a separate room, and afterwards died; others were inefficient. The deputy registrar performed no duty for fifteen months; the duties of another officer were transferred to the solicitor to the Treasury. Twelve of the least efficient had been dismissed in 1852, eleven or twelve had been removed afterwards, and four had been dismissed for disgraceful conduct. Now, a new system might have to be improvised any day; but a competitive system would exclude some of the least competent and worst qualified. If a Government were to remain in office, say for ten years or longer, a large class of the community would be deprived of advantages which ought to be open for the benefit of all. He (Mr. Maguire) had been asked over and over again for nominations. But he was compelled to refuse, knowing that in order to obtain them a Member must be a thick and thin supporter of the Government, and if he were to obtain a place the Secretary of the Treasury would look extremely black if he happened to see him in the opposite lobby. This was not only degrading to a Member of the House, but it impeded his free action. The noble Lord (Lord R. Cecil) had said that the present system made the members of the service dissatisfied. But he (Mr. Maguire) had inquired into this, and he found that in no case had this dissatisfaction led to insubordination; men gradually became satisfied with the positions they occupied. Mr. Fremantle, in his examination, was obliged to admit that the Government themselves were not anxious for the exercise of this power. But though it was a source of inconvenience to them, they were unwilling to give it up, as a source of power. Even in the case of candidates who failed, the education and examination which they went through was no loss to them; a class of better educated men was an advantage to the country; they had an increased stock of intellectual power, and were animated by a spirit of emulation. He cordially hoped to see the question carried further by the House.

MR. BAILLIE COCHRANE wished to explain that the noble Lord had misunderstood his statement with regard to Sir James Stephen's evidence. What he meant to say was that Sir James Stephen preferred the system which prevailed in 1855 to the system of competitive examination, which it was then proposed to introduce. The noble Lord complained that he had not proved his assertions from the evidence; but he had been unwilling to trespass on the time of the House by quoting his authorities, and his statement that the Report was not justified by the evidence, had been borne out by the hon. Member for Pontefract (Mr. M. Milnes). In the present state of the House, so many of his hon. Friends having left their seats, he would not trouble the House to divide. He would, therefore, with the permission of the House, withdraw his Amendment.

Question, "That the words proposed to be left out stand part of the Question."

Put, and *agreed to.*

SUEZ CANAL.—QUESTION.

MR. DARBY GRIFFITH asked the First Lord of the Treasury, Whether accounts have been received that M. de Lesseps has induced the Viceroy of Egypt to employ large numbers of natives by forced labour in the construction of the Suez Canal? and expressed his opinion that the noble Lord, in his desire to oppose a plan which he deemed injurious to this country, had, in fact, given indirect encouragement to it; for to say that the execution of such a work would give other European powers the start of us in the way to India, rendered the enterprise at once attractive in the eyes of the French. Twenty years ago it was the noble Lord's policy to reduce a rebellious vassal of the Porte, who had made himself almost master of Egypt, to the state of a dependent Pasha, and ever since that period French policy had found favour in the eyes of the Pashas of Egypt. The result was that the present Pasha had been induced to enter into the enterprise to which his Question referred, and to employ, it was said, forced labour, which was nothing but slavery under another name. He condemned the interference of England between Mehemet Ali and the Sultan. Had the Pasha of Egypt been allowed to establish his independent power, the influence of England in Egypt would have been much greater than it was now with the country under the nominal but illusory government of the Porte. But he did not think the noble Lord, in similar circumstances, would venture to repeat that policy of interference for which he, rather gratuitously, set France at defiance. He did not complain that the noble Lord the Prime Minister should be of opinion that the Suez Canal was extremely difficult and almost impossible—for in that opinion he himself had always concurred—but he did complain that the noble Lord should have characterized it as a "bubble scheme," which was an expression conveying gratuitous offence to the promoters. It was not likely to realize any profits for the shareholders; but that might be said of many great English works, such as the Thames Tunnel and the *Great Eastern*. And yet nobody applied to them opprobrious epithets on that account. He approved the recent policy of the Foreign Secretary in reference to Syria. The honour of France was satisfied by the occupation of Syria; and that the occupation had been terminated was satisfactory also. The hon. Member concluded by asking the First Lord of the Treasury whether accounts had been received that M. de Lesseps had induced the Viceroy of Egypt to employ large numbers of Natives, by forced labour, in the construction of the Suez Canal; and by moving an Address for copy of any despatches that may have passed on the subject of forced labour of Natives of Egypt in the construction of the Suez Canal. He begged to ask the noble Lord whether he could justify his policy of the past, and give some assurances for the future?

Lord JOHN RUSSELL said, he rose to a point of order more than to answer the question.

Mr. SPEAKER said, that the noble Lord could only speak to the Motion before the House, and that Motion was that the Speaker do now leave the Chair.

THE LORD LIEUTENANT OF IRELAND. QUESTION.

Colonel DICKSON said, in pursuance of notice, he rose to ask the First Lord of the Treasury, What he considers the position of the Lord Lieutenant of Ireland to be with reference to the Government of that Country, and whether the Earl of Carlisle intends to retain that office? As to the office itself he (Colonel Dickson) thought the Irish people generally wished for its continuance; and if the opinion of the individual who filled the office was properly considered, and he desired to pursue a wise policy in regard to that country, it might be one of great utility. He believed that the noble Earl who at present filled that office was thoroughly imbued with the desire to promote the prosperity of the country. It was absolutely necessary, however, that the person filling that office should be consulted, and whatever opinion was entertained by him with respect to the welfare of the country ought to be fully carried out. It had been a reproach to the Government that they had not in their councils a single Irishman; but at the present time that ought to be considered more as a necessity than as a subject of reproach, because, after what had lately happened, no candidate could show his face on the hustings in Ireland with much chance of success as the regular supporter of the present Government. The present Chief Secretary for Ireland could have no very intimate knowledge of the opinions, or, if they chose to call them so, the prejudices of Irishmen. Nevertheless, unsupported as he was by even an Irish Lord of the Treasury, he stood forward on the present occasion, utterly ignoring the existence of a Lord Lieutenant, and acting more as a Minister for Ireland than as that noble Earl's secretary. He (Colonel Dickson) had no wish to open again the question of the Galway contract, but that contract which had been agreed to by hon. Gentlemen on his side of the House, had been steadily opposed by hon. Members opposite, until the hostility to it culminated in its abrupt annulment by the Postmaster General, who stood notoriously before the public as certainly a strong partisan. The Government had taken upon itself to adopt this proceeding and to share the responsibility of the conduct of their colleague. The Secretary for Ireland called it a departmental question, and deliberately stated that he did not think there was any occasion to consult the Lord Lieutenant in the matter, because he had nothing to do with it. If this were so he should like to know what could not be called a departmental question? If the Government acted in a similar manner to the Governor General of India or the Governor of a colony he would resign immediately. In his opinion the Lord Lieutenant of Ireland ought to have the immediate control of the government of that country—of course with the assistance of his colleagues. In saying this he spoke as an Irish representative, and asked that the same treatment should be accorded to that country which was given to other colonies or dependencies of this country. He hoped the noble Lord would distinctly state what he considered was the proper position of the Lord Lieutenant. He could not conceive any more contemptible position for a British Peer than to be the puppet of his own Secretary, while he appeared in the borrowed plumes of mock royalty, and aped the pageantry of a Royal Court, while he had not an atom of power to carry his own views into effect, or to do anything that he considered would benefit the people.

INDIAN ARMY.—QUESTION.

COLONEL SYKES said, he rose to ask the Secretary of State for India, In what manner the provisions of Clauses 35, 36, and 58 of the Act 21 & 22 *Vict.* c. 106, and of the Act 22 & 23 *Vict.* c. 27, which guarantee that "all advantages as to pay, pensions, allowances, privileges, promotion, and otherwise, shall be secured to the Military Forces of the East India Company, in any plan for the reorganization of the Indian Army," are to be carried out in respect to the 1,225 officers (more or less) of the Local Armies of India who will be thrown out of employment by the reduction of the former fixed establishment of twenty-six European regimental officers to six only, to serve for the future with a Native Regiment, as directed by the Amalgation Order published in the Calcutta Government *Gazette*, dated the 10th of April, 1861? The hon. and gallant Member said that the amalgamation order would convert the whole Native army of India from regular into irregular troops, reducing the fixed establishment of officers in each regiment from twenty-six to six. Originally the Native regiments had a very small number of European officers, their complement being one captain, one lieutenant, and one ensign; but, gallant as those troops were, they were found comparatively inefficient from the paucity of European officers. The history of the services of the Bengal army by Captain Williamson, show that successive additions of officers to Native regiments were deemed indispensable, and from the year 1770, to within a recent period the strength of European officers with a regiment had gradually increased to twenty-six. Now, however, the old defective system was about to be revived, and a vast body of officers would be thrown out of employment. Under the Acts of Parliament quoted the existing officers of the Native regiments were guaranteed against any loss of emoluments consequent upon the reorganization of the local army; but by the conversion of the troops from regulars into irregulars many of the officers must suffer great pecuniary as well as other disadvantages, they would lose the command allowance of a regiment, cavalry or infantry of £40 a month; the captains of cavalry would lose their "troop" allowances; and officers of infantry entitled to command companies would lose their company allowance. The appointment of quarter-master and interpreter would cease, and these losses and changes involved unquestionably a breach of faith with the army. Would the Secretary of State for India like to have a thousand actions at law brought against him for compensation by these officers? That might, however, be the case, if those gentlemen could prove that they had sustained any loss by the change. Is it not as ungenerous as unjust to forget the services of these troops. On the colours of the different Native regiments at least a hundred victories were inscribed. Until driven to rebellion by outraging their religious prejudices they had always stood faithful to us. The Madras Native army, which was wholly free from the late mutiny, was once, too, on the brink of rebellion in 1806, from Sir J. Craddock's dangerous orders interfering with the religious usages of the Madras Sepoys, but it was happily saved by Colonel Montressor, who commanded the Hyderabad subsidiary force, consisting of one European and six Native regiments. His firmness of purpose, and his courage in daring to disobey Sir J. Craddock's orders averted the mutiny; and ever since the Madras army had remained staunch in its loyalty. The Secretary of State for India had had the misfortune to impose an income tax, which created discontent, if not hostility, among the bulk of the people of India. Now he was also carrying out a measure which degraded the Native army, and caused the discontent if not hostility of the Sepoys and their European officers, while, at the same time, he was raising a feeling of discontent by the manner in which he proposed to handle the Civil Service of India. He (Colonel Sykes) lamented that he could not look with satisfaction to the probable future of our position in India.

Sir CHARLES WOOD said, he was glad that it lay in his power to relieve his hon. and gallant Friend from the apprehensions which he had expressed. The hon. and gallant Member complained that, in consequence of the conversion of the Native army of India from regulars into irregulars, the guarantee of the Act to officers would be broken. The conversion however, had nothing whatever to do with that guarantee; in point of fact the conversion had, as far as the army of Bengal was concerned, been effected long before the amalgamation took place. Out of seventy-five regiments, sixty mutinied, were disbanded, and ceased to exist. Irregular levies were raised in their place, and were officered on the irregular system. The armies of Madras and Bombay had not yet been changed into irregulars, and whenever that operation was performed, it would be done gradually, without displacing any officer, or depriving him of any promotion, pay, or emoluments which he now enjoyed. The hon. and gallant Member also set forth the advantage of regular troops over irregulars; but the irregulars had played a distinguished part in the whole of the recent campaigns in the North of India and had displayed great gallantry and efficiency. He maintained, therefore, that his hon. and gallant Friend was mistaken in asserting that the irregular system had proved a failure. As to the Commission appointed to carry out the details of the amalgamation in India, he was very sorry it had ever been appointed, for he believed it had produced considerable mischief. No better proof of that could be afforded than the publication of the Report of the Commission against the will of the Government. That Report was based on the assumption which, as he had said, was entirely devoid of foundation, that the armies of Madras and Bombay were at once to be placed on the irregular system. That put an end to one half the case of his hon. and gallant Friend. The Commander-in-Chief had undertaken to provide employment for all the officers for whom it was stated in the Report of the Commission that no places could be found, with the single exception of the senior field-officers, who were not very competent for active service. To meet the case of these, a certain number of officers would be superannuated. There would, doubtless, be some allowances which officers now received to which they would not be entitled under the irregular system; but there would be no substantial alteration in their position. To say that the whole of the officers should retain all their emoluments and allowances was tantamount to saying that the Indian army should be kept up to its former establishment, in order to provide emoluments for the officers, without reference to the public service; and he was sure his hon. and gallant Friend was not prepared to recommend such a measure.

RECRUITING AND CLOTHING OF THE ARMY.—OBSERVATIONS.

General UPTON said, he rose to call attention to the Report of the Royal Commission on Army Estimates, and to ask the Under Secretary of State for War if it be intended to adopt that portion of the Report of the Royal Commission on the present system of Recruiting the Army, which recommend that a pair of regulation boots, two shirts, two pair of socks, and one towel shall be supplied every year to the soldier; and one pair of summer trousers, one forage cap, one stock and clasp, every alternate year, at the public charge; and if so from what date such alteration will take effect? He certainly thought that two of the recommendations of that Committee deserved the attention both of the House and the country—namely, that portion which had reference to the getting rid of all the lying and quibbling, and sometimes almost kidnapping that formerly prevailed in the army, but which had now been put a stop to, as well by the recommendation of the Committee as by the order of the Commander-in-Chief? The other point was one which was of great importance to the soldier, and the hon. and gallant General contended that the best of all substitutes for increase of pay to the soldier was the finding him good clothes.

FORTIFICATIONS AT PORTSMOUTH, &c.

OBSERVATIONS.

Sir MORTON PETO said, he wished to call the attention of the House to the nature of the Fortifications about to be erected at Spithead with reference to the very great changes now taking place in Naval Armaments; and to inquire if the Government intend to reconsider the question, whether Floating Batteries would not prove more effective for the defence of the Arsenal than the Forts proposed to be constructed on the shoals? He did not wish to deprive the Government of the money necessary for the defences of the country, but simply to induce them to reconsider their determination; because, as it appeared to him, the construction of stationary batteries at Spithead was a great mistake. The question now at issue is, whether the proposed sea-forts, in conjunction with a small auxiliary floating force and other adjuncts, will protect the roadstead and dockyard of Portsmouth; or whether in lieu of these forts, at no greater expense, iron ships, as proposed by Admiral Sir Richard S. Dundas, may be substituted; and putting us thereby in possession of an infinitely superior force, able to effect that which the forts might fail to do. The letter of the Admiral clearly shows and recommends that available ships of the line could be fitted with engines and converted into iron-cased ships, for this local purpose, carrying thirty of the heaviest guns, at £60,000 per vessel, thus giving fourteen of these vessels for the sum estimated for the three forts (namely, £840,000), or if it should be expedient to take vessels already fitted with engines, they could be converted for £40,000 or £45,000 per ship, giving 20 or 19·6 vessels for the same cost as the forts. The Admiral concludes his letter with the following remark:—

> "Taking into account, therefore, all the expense and all the difficulty which must necessarily attend the construction of batteries upon the shoals at Spithead, and looking also to the contingency that stationary batteries alone might not be sufficient to prevent the passage of iron-cased ships, and would imperfectly defend the entrance of Spithead against vessels so protected, I am of opinion that any immediate outlay of money to be expended in the course of the ensuing financial year would be more profitably employed upon the equipment for purely defensive purposes of ships of this description, and it might be proper that the attention of the Secretary of War should be called to the subject in order that reports if necessary from the Comptroller of the Navy may be called for without loss of time."

The objection that the vessels would be of too great a draught might be met by the observation that if any attack was to be made it must be made by vessels of equal draught; and the question of speed did not arise, because the proposed floating batteries would be simply for the protection of that part of the coast where they were placed. He reminded the House that stationary batteries were of no use while ships kept out of their range; and from the situation of Portsmouth it could be shelled from a position on which it could not bring its guns to bear. Again, it was admitted that those fortifications would not prevent iron ships passing them; so that, practically speaking, they would be useless. Another of the recommendations of the Commissioners was the use of explosive machines; but the late Russian war had proved the worthlessness of such means of defence as these. They also advised the construction of a number of iron-cased forts on the shoals at Spithead. It should be remembered, however, that Spithead was practically Portsmouth harbour, because vessels of war could not enter Portsmouth except at certain tides. And what would happen if the enemy's iron-clad ships came in and attacked the merchant vessels and ships of war? Why, that the forts could not fire at all; for if they did so they would inflict as much injury on friend as foe. Moreover, it was well known that such was the smoke arising in an action that soon after the commencement of a battle no objects were seen. He contended, therefore, that the dockyard might be shelled without the forts being of any use at all. The question was, then, whether they were spending the public money for the protection of the right place? Would Portsmouth dockyard be in future what it had been in the past, when ships of war were of comparatively light draught? Being adapted only for the repair of wooden vessels, was it likely to be continued hereafter for the repair of iron vessels? He believed that with forts, auxiliary ships, and explosive machines, and all these acting together, the only result would be to paralyse one another and create confusion. In his opinion ships were preferable; for they could choose their position, act as steam-rams, and board the enemy. Another objection which he entertained to batteries on the shoals was that they would serve the purposes of buoys. He appealed to the Government, then, not to act precipitately in carrying out the Commissioners' recommendations. He had endeavoured to ascertain what were the opinions of many eminent men in both the army and navy on the subject; and all had agreed that neither of the Commissioners' Reports was based upon practical *data*, and that the Government were not justified in proceeding to incur such an enormous expenditure upon Reports so made. They might depend upon it that recourse to this Chinese mode of defence and painting of tigers' heads would not do for us. The French knew well how far these forts were an adequate defence; and if they would be able to effect all the mischief they desired, just as if the forts were not erected, then the fact that these defences were not what they were intended to be—namely, a means of absolute and perfect security—would prove the justification of the Government in hesitating to adopt the recommendations of the Commissioners.

Sir FREDERIC SMITH: If he had correctly understood the view of his hon. Friend, it appeared to be that he thought the defences of Portsmouth should be entirely confined to ships of war of some kind, and that land defences or forts on shoals would be useless; and he grounded his case in some degree on the difficulty which he fancied the defensive batteries would have in seeing an object after firing once or twice owing to the smoke of the guns. But that was an objection which would apply with equal force to the attacking party, as it would, indeed, to every battery along the coast. His hon. Friend also complained that the second Report on the proposed Fortifications and system of defence had been made by the same Commissioners who drew up the first Report; and, perhaps, it might have been more satisfactory had other Commissioners been employed; but whilst he (Sir Frederic Smith) had objected to many of the recommendations in the first Report, he did not object to any of those which were in the second. The arguments of the Commissioners, indeed, had only confirmed him in the opinion he had long held, that forts on the shoals ought to be erected. For twenty years past he had been considering officially the question of the defence of Portsmouth and the Solent, and he had never doubted for a moment that the forts now proposed should be constructed for the defence of Spithead and Portsmouth Harbour. It was intended that these works should be covered with iron of considerable thickness, though what the thickness should be was still doubtful. Experiments at Shoeburyness showed that 10-inch iron was not shot-proof; and that being so, was it probable that enemy's ships clad in 4½ or 5-inch iron would dare to venture within reach of these forts? Firing was accurate from a fort at even the distance of 5,000 yards; but that from a ship was inaccurate at so long a range. His hon. Friend said that objects would not be seen from the forts after the first round. He (Sir Frederic Smith) contended that they would be seen, unless it were a calm, and then the enemy's ships would be as much enveloped in smoke as the forts, for they must bring too, or anchor to obtain any accuracy of fire at long ranges. Under these circumstances the argument that Portsmouth dockyard could be destroyed by ships, whilst the ships themselves were safe, at once fell to the ground. Further, he would ask if the batteries in Stokes Bay were to count for nothing? As he understood, the whole line of that coast was to be furnished with strong and powerful batteries; and if that were so, they would have a range equal to the ships which proposed to bombard the dockyard. He hoped, then, that the Government would act on the determination they had already formed to construct these forts with all despatch. It was, of course, a work of time and expense, and he believed they had greatly underestimated the cost; but even if the cost were doubled, he should prefer seeing those forts erected rather than those which had been projected for Portsdown Hill, which he considered an useless waste of the public money. He would now ask the Secretary to the Admiralty under what department the experiments now being made were conducted? Were they under the War Office or the Admiralty—or both? If of both, these departments were certainly very slow in their operations, for as yet they had only come to this conclusion, that 10-inch iron was not shot-proof at 400 yards. They ought to have discovered by actual experiments long since what was the *minimum* thickness of iron required to resist shot of a certain weight. If 10 inches of iron were not shot-proof against a 120-pounder, what would be the effect of a 300-pounder of 2,000 yards? With a range which we should shortly have, he should like to know what ships of war would stand a 300-pounder. A fleet might come into the Solent, but they could not remain longer there than they were master of the seas.

He firmly believed that if we had even powerful shore batteries alone, no fleet would ever venture there, but he strongly urged the noble Lord that no time should be lost in completing these forts, which would render Spithead a perfectly safe anchorage for British ships. The question of the thickness of iron was not very pressing, because the iron could be prepared when they knew the thickness it was required to be. But the formation of the foundations under water was a very tedious operation, and should be entered upon without delay and prosecuted with vigour. He believed that 10 inches would not be sufficient; but if these forts were to be of the curve form, they would not require the samè thickness as if they were straight lined. What he complained of was that the experiments were not pursued with sufficient earnestness. They were building ships cased with iron 4½ inches thick, which was ridiculous if they expected these ships to be shot proof.

ADMIRAL DUNCOMBE, notwithstanding the opinion of the hon. and gallant General, thought that at the present moment Government would not be justified in going to great expense in the erection of forts, and for this reason, that only a few weeks ago they were led to believe that iron plates, 4½ inches thick, would be sufficient to withstand shot, whereas they were now told that 10-inch plates would not be sufficient. He had no doubt that his hon. and gallant Friend would be delighted to see a mangnificent fort erected, but they must remember that forts would buoy ships into Spithead. His firm belief was that ships would be of equal advantage, and in time of need they could be removed elsewhere.

CAPTAIN JERVIS observed that every inch thickness of the iron plates with which a ship was covered required 1,000 tons of measurement, and if they had plates seven or eight inches thick they would require the ship to be 7,000 or 8,000 tons burden. Then, again, he differed with the gallant General in his depreciation of the Committee. The Committee had now sat three months, and what had been done? They had shown that the whole of the expenditure which France had incurred in iron ships had been thrown away, and that we must be careful not to waste our money in the same way. Sir Howard Douglas had been spoken of as having been the encourager of these iron vessels, but if there was one man more than another who had been against the building of these ships it was Sir Howard Douglas. He felt perfectly conscious that the Government would not be goaded into having sō many ships because the French had that number. They would act with caution, as they had done with regard to ordnance, in which we were far ahead of any country.

VISCOUNT PALMERSTON: My hon. Friend the Member for Finsbury (Sir Morton Peto) has adopted the views of a very intelligent officer, Captain Cole, and no doubt *primâ facie* there is something very plausible in them; but I confess that, after full reflection, and after hearing the arguments on both sides, I cannot concur in the conclusion at which the hon. Baronet and Captain Cole have arrived. It is somewhat remarkable that in this very short discussion we have had military men arguing in favour of forts, and naval men arguing in favour of floating defences. So it will always be; and that was one of the difficulties which the Government experienced in coming to a decision upon this matter. But I think the argument is entirely in favour of forts as against ships. Let us just consider for a moment what the object is which we have in view. That object is the security of Portsmouth. What is it that Portsmouth is to be attacked by? By a fleet coming into Spithead. Now, that fleet, as may be supposed, would be the strongest fleet that the enemy, whoever he may be, could concentrate upon that point. It would consist of ships of the largest size, and of the most formidable armament; and to meet those ships we ought to have a fleet of equal strength. Does my hon. Friend propose that we should have permanently stationed at Spithead ten iron-cased ships of the largest dimensions and of the most formidable armament, equal to any fleet that might be brought into Spithead for the purpose of attacking Portsmouth? Why, unless your fleet were equal in force to any fleet that might be brought there you would only lay in store for yourselves defeat and disaster. You are, then, for the defence of an arsenal which is useful only for the creation of a fleet, which fleet is to operate wherever required, to lock up another fleet equal in size and strength to the one produced at the place which it is your object to defend. Again, you could never reckon upon having your floating defences on the spot when they were wanted. If there was an alarm upon another part of the coast do you imagine that the Government would allow these ten formidable ships—ships which must necessarily be of the first class—to remain at anchor at Spithead? Public opinion and the exigencies of the service would infalliby cause these ships to be sent elsewhere; and then, when the enemy, having made a feint at Plymouth, or in some other direction, came to Spithead, your floating defences would not be there. Take the expense. The forts we propose will, probably, not cost so much as the large fleet which, according to the theory of Captain Cole, should be permanently stationed at Spithead, for the purpose of defending Portsmouth. Moreover, the ships would decay; they would require constant repair; they would require a large body of sailors to man and work them. A much larger number of men would be required in the ships than in the forts we propose to construct. In point of economy, therefore, either in first construction, or in maintenance, or in permanence, the balance of opinion is in favour of forts as against ships. They would require less money to make them, they would require less money to keep them in repair, they would require fewer men to man and work them, and they would be always on the spot. My hon. Friend says that ships could not be hit from the points at which these forts are to be built. I doubt that statement. There seems to be scarcely any limit to the power of modern artillery: but there is a limit to the resisting power of ships, because there is a limit to the capacity of ships to float with a certain weight upon them; and I defy you to construct a ship covered with iron coating of sufficient thickness to repel the heavy shots which are now sent from cannon, and yet to be buoyant enough to float on the water. But that is not the case with a fort. There is no floating in a fort. You may make the walls of your fort as thick as experience may show to be necessary to resist the attack of the heaviest ordnance. Then, ordnance of a certain weight is unmanageable in a floating ship. You may have your guns upon deck; but upon deck they are exposed to the fire of the adversary, and may be soon disabled. In the embrasures of a fort they are protected. You may have any amount of ordnance in a fort. You are limited in regard to the weight of ordnance which you can put on board ship, whereas you may have in these forts guns of any calibre; and I venture to say, in spite of all the calculations that have been made, that if the forts at Spithead were to be constructed and armed with such cannon as Sir William Armstrong and others are able to put into them, any ships which might come to attack Portsmouth would very soon be sent to keep company with the *Royal George.* Therefore, though I quite agree with my hon. Friend that in a matter of this sort, in which repeated experiments are necessary to enable you to feel sure that what you are doing will answer your purpose, you ought to proceed with the utmost care and circumspection, yet, on the other hand, I concur with the hon. and gallant Member for Chatham (Sir Frederic Smith) that no time should be lost beyond what is necessary for seeing your way clearly, and I am quite sure that the course which the Government have determined to adopt with respect to the construction of these forts is the course which ought to be pursued. My hon. Friend says, truly enough, that there are defects in Portsmouth arising from an insufficient depth of water, and that some other place may be found better adapted for the building and repair of an iron fleet. That is one of the considerations which led the Government to think that Chatham might be made useful to the public service. I only make that observation in passing, hoping that my hon. Friend will bear it in mind when we come to discuss the question about the dockyard at Chatham. Upon the whole my opinion is, in spite of the ingenious arguments which Captain Cole has urged in favour of floating as against permanent defences, that permanent defences are indispensable. I do not mean to say that they may not be assisted by floating defences—we cannot rely upon permanent defences alone—but, no doubt, you would always have at Portsmouth a certain number of ships to assist your forts, and your forts and ships together would be sufficient. It it said that these forts would serve as so many buoys to guide the ships of the enemy into Spithead. Does anybody really imagine that any naval Power on the Continent or elsewhere would require the assistance of these forts to find their way to the anchorage at Spithead? We have charts which indicate with the greatest nicety the course which ships ought to pursue. We know well that all foreign Governments which have navies are in possession of these charts. We also know that visits of vessels of war belonging to foreign Powers have not been unfrequent, and that there is no part of our coast which has not been accurately surveyed, and which is not as familiar to the naval officers of other countries as to the officers of our own service. So much, then, for the subject to which my hon. Friend has called attention. I am bound to say that there is nothing in his arguments or his figures which leads me to think that the Government have arrived at a wrong conclusion in proposing permanent defences. Before sitting down I may be allowed to answer a question put by an hon. and gallant Member opposite (Colonel Dickson) with respect to the Lord Lieutenant of Ireland. The question is what are the relations between the Lord Lieutenant and the Government, and whether Lord Carlisle intends to continue in the performance of his duties in Dublin. Without going into the question of the Galway contract, I may say that the relations between the Lord Lieutenant and the Government are the relations fixed by law and by usage, that the relations actually existing between Lord Carlisle and Her Majesty's Ministers are of the best possible description, and that I have no reason for supposing that my noble friend is not willing to continue his valuable public services.

Mr. BENTINCK remarked, that if the House had had to consider the question whether some corrupt borough should be allowed to continue practices of corruption 500 or 600 Members would have been present; but when the defence of the country was brought forward there was a large amount of empty benches. This showed a defect in a portion of our representative system. He had just heard with the deepest regret an opinion expressed by the head of the Government in favour of building these forts; for he believed that every shilling of the expenditure might as well be chucked into Spithead. The opinion of Captain Cole was borne out by the opinion of naval officers throughout the country. Government ought to remember that the Commissioners had reported twice, and that signal and glaring contradictions existed between the two Reports. The noble Lord had talked of the enemy sending his best fleet to take Spithead; but he (Mr. Bentinck) hoped that we should always have as fine a fleet as any the enemy could bring against us. The question was whether Spithead could be best defended by forts or ships; but if we had as good ships, and as numerous as the enemy, there was no argument in favour of forts. As to smoke, ships would sail out of their own smoke, which forts could not. As to the comparative expense of the two modes of defence, ships would be less expensive than forts, especially when the forts would be built without foundation. The estimated expense of £840,000 would probably be doubled or trebled.

Sir HARRY VERNEY said, that he had heard naval men say that no fleet could put into Spithead if the buoys were taken away. The noble Lord had said no limit was to be placed to the power of modern artillery, and that it was impossible to say how far artillery might be made to carry. But it was stated that the object in building those forts on sandbanks was to get them as closely as possible to any enemy's fleet entering Spithead, and, therefore, if the argument of the noble Lord were to prevail, that for building those forts on sandbanks must fall to the ground. Why not build them on shore at Portsmouth, or on the Isle of Wight? He was disposed to place more importance in the training of our men in arms, and if they had volunteers on sea as well as on land, for his part he believed the country was safe.

Mr. T. G. BARING thought the fair way to put the question was this: If a foreign commander had his choice, would he rather have the forts to show him the way into Spithead or not? A naval officer, who was reckoned one of the ablest surveyors afloat said that with a simple chart he could pilot a fleet into Spithead during the greatest fog which was ever known in the Channel. With regard to the apprehended inconvenience from smoke in casemated forts, experiments showed that no difficulty of that kind need be feared; and he might also state that a tender had actually been received for the construction of one of the forts, at a price less than was originally estimated. Hon. Gentlemen who were disposed to underrate the labours of the Commission forgot that two of the most distinguished officers in the navy, Admiral Elliot and Captain Cooper Key were upon that Commission, and brought to its inquiries the advantage of their great experience in scientific knowledge. In reply to two questions which had been addressed to him in the course of the discussion, he wished to mention that £20,000 would be taken this year for the supply of additional articles to the soldiers; it was not proposed to give all the articles which had been recommended at once, but when these were all issued there would be equal to an extra pay of 1*d*. a day. The Committee on Iron Plates carried on its experiments under the joint authority of the War Office and the Admiralty, both these Departments being interested in the result of its investigations.

Main Question put, and *agreed to.*

House in Committee, Mr. MASSEY in the Chair.

SUPPLY—ARMY ESTIMATES.

(1.) £179,407, Civil Buildings at Home and Abroad.

MR. W. WILLIAMS said, at that hour (five minutes to twelve o'clock) it was too late for discussion; and he, therefore, begged to move that the Chairman report Progress.

MR. T. G. BARING hoped the hon. Gentleman would allow the first Vote to be taken.

SIR FREDERIC SMITH objected to the sum of £2,000 and odd for constructing a new cement store. Cement never should be stored at all, but should be taken from the manufactory and used immediately.

MR. W. WILLIAMS objected to the expenditure of £6,000 on account of the Pimlico clothing establishment. He thought the change which had taken place in this respect had been most unfortunate, so far as expense was concerned.

MR. T. G. BARING said, that increased room was required in the storehouse at Pimlico clothing establishment. It had also been strongly recommended by every able officer that a storehouse should be built for cement.

VISCOUNT PALMERSTON said, he should not oppose that motion; but he hoped hon. Gentlemen would recollect that there were 203 votes in Supply, and that they had made very little progress.

MR. HENLEY said that there was a great stir at the beginning of the Session to give Tuesday for Supply, but the Government had not availed themselves very much of the advantage thereby afforded to them.

MR. W. WILLIAMS thought that a whole evening should be given to Supply. This evening had been consumed in the delivery of speeches, several of which were left unanswered; so that the discussion had been of a very desultory character.

COLONEL DICKSON had asked a question on the subject of the functions of the Lord Lieutenant of Ireland, to which he had received no further answer from the noble Lord at the head of the Government than the statement of a mere truism. He should take care to renew the subject on a future occasion.

Vote *agreed to.*

House *resumed.*

Resolution to be *reported* on *Monday* next; Committee to sit again on *Monday* next.

House adjourned at half after Twelve o'clock till Monday next.

HOUSE OF LORDS,

Monday, June 24, 1861.

LORD REDESDALE sat Speaker.

DEATH OF THE LORD CHANCELLOR.

EARL GRANVILLE: My Lords, I trust it will not be deemed presumptuous in me, after the event which has just happened under the dispensation of Divine Providence, and which has taken almost from the very midst of us the noble and learned Lord who, up to the last moment of his life, presided over our deliberations, if, as a friend and colleague, I venture to ask your Lordships to agree to the adjournment of the House and of the further consideration of the business on the paper for the day. I do this apart from any political feeling, as a mark of respect for the personal qualities of the noble and learned Lord; as a mark of respect for the position which, as Speaker of this House, he held, and, I may add, as a mark of our submission to the chastening hand of God. The death of the noble and learned Lord has been singularly sudden. Many of your Lordships saw him taking a part in the proceedings of your Lordships' House up to a comparatively late period of Friday evening. On Saturday I had the honour of meeting him in the Cabinet, and of seeing him take his usual part in the deliberations of that body. In the evening I met him in his own house in social intercourse, showing that kindly and friendly feeling, and that affectionate demeanour towards his family, for which he was particularly remarkable. I was struck with the lively pleasure with which he received while at dinner from a noble Lord now present the announcement of the birth of a grandchild, more than four score years younger than himself. The noble and learned Lord lived long before the public: his life was one eminently known to all his fellow-countrymen. It is not for me to attempt to pronounce anything like an eulogium on that noble and learned Lord; but I will say that the distinctions and honours which he attained will ever be an encouragement and an example to all in this country, by showing how a man, by indefatigable industry and by the exercise of those personal qualities which God has given him, is able to attain the highest positions in the State. He has died full of years and honours, apparently in full possession of vigour both of mind and body. I believe there can be no doubt that a mind like his was as fully prepared for a sudden as for a lingering death. Indeed, I happen to know that on Saturday afternoon he said to a valued friend of his in conversation, alluding to the long illness of a common friend, that there was a prayer in our Liturgy against sudden death; but that he thought there might very properly be a prayer against an extremely prolonged existence. I venture to ask your Lordships to give a unanimous assent to this Motion; and unless I felt convinced that that unanimity would be displayed, I should have abstained from asking you to agree to a Motion which has no precedent, because the case itself has no precedent that I am aware of in the annals of your Lordships' House. I beg to move that this House do now adjourn.

Lord BROUGHAM: My Lords, I entirely agree with my noble Friend in every word he has said upon this melancholy occasion. I can bear besides a professional testimony, which my noble Friend could not, to the great legal qualifications of the noble and learned Lord. Every one who was acquainted with his professional career, his long experience, his indefatigable industry and power of work, was perfectly convinced that from the moment of his elevation to the Bench he would distinguish himself in his judicial capacity; and accordingly he has completely fulfilled these general and confident expectations. He had all the qualities which distinguish a great Judge; he had indefatigable industry, great professional experience, long practice in the Courts in the various branches of the profession:—all these qualities he brought to the Bench with him—I will not add strict integrity, because no man on our Bench makes an exception to the rule which distinguishes all our Judges, of perfect impartiality between party and party, and between the Crown and the subject, upon all occasions. It is not so in all countries. It is our happiness to possess that inestimable blessing. I can answer for my noble and learned Friend having been in the fullest possession of his great abilities up to the very last period of his life. We sat together on Friday morning from between ten and eleven o'clock till the rising of the House as a court of justice, my noble and learned Friend presiding, and showing his usual acuteness and his usual determined attention to every branch of the cause before him. I may add, that this House is in a peculiar manner qualified to judge of the great judicial talents which were possessed by my noble and learned Friend; for I believe there is no instance of such despatch of business as that which he exhibited—not that which Lord Bacon calls "affected despatch," but real, substantial, and useful despatch; and there never, as far as I am aware, was so little arrear in the causes which await your Lordships' decision. I ought to apologize to your Lordships for discharging so superfluous a duty as that of seconding the Motion of my noble Friend; but I thought it was due to the memory of him whom we have lost by this sudden visitation of Providence that I should speak upon this occasion on behalf of that profession to which he belonged, and of which he was so great an ornament.

Lord ST. LEONARDS: I entirely concur in the Motion of the noble Earl opposite. I think we owe it to ourselves and to the noble and learned Lord whose loss we deplore, that we should show every possible mark of respect to his memory. The great eminence of my noble and lamented Friend as a common law lawyer is admitted by every person in this country. He presided for a long time in a court, of the business of which he was a perfect master, with a knowledge of the law which probably has never been exceeded, and with a patience and industry which all must have admired. As Chief Justice of England he occupied as proud a position as any man could desire. When as Lord Chancellor he came to preside over the deliberations of this House, and to administer another, and to him in a great measure, a new branch of the law, I confess I thought he had undertaken a perilous task which he could scarcely adequately perform. But, with a just reliance on his great powers, he was induced to accept the office which was tendered to him. Your Lordships have seen the manner in which he conducted the business of that great office, and it is no small honour to him to be able to say that, in his capacity of Lord Chancellor, he maintained the great reputation which he had acquired as a common law Judge. I could not reconcile it to myself to remain silent on this occasion.

Agreed to, Nemine Dissentiente.

The Entry in their Lordships' Journals is as follows :—

The Lord President acquainted the House, That it was his painful Duty to inform their Lordships that The Lord Chancellor, after having presided at their last Sitting on Friday, and while apparently in the full Enjoyment of Health, had died Yesterday ; he trusted that their Lordships, having regard to the extreme Suddenness of this Event, to the high Character of his Lordship the Speaker of this House, and as a Mark of Submission to the Will of God, would agree unanimously that no further Business should be proceeded with this Day, and that all the Orders of the Day should be put off, and the House adjourned.

Agreed to, Nemine Dissentiente.

House adjourned at half-past Five o'clock, 'till To-morrow, half-past Ten o'clock.

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HOUSE OF COMMONS,

Monday, June 24, 1861.

Minutes.] Public Bills.—1° Church Rates Law Amendment (No. 2) ; Cruelty to Animals Prevention (No. 2).

2° Parochial and Burgh Schools (Scotland) (No. 2) ; Wills and Domiciles of British Subjects Abroad, &c. ; Wills of Personalty by British Subjects ; Leases, &c., by Incumbents Restriction ; Grand Juries, &c. (Ireland).

3° Poor Assessments (Scotland).

SOUTH KENSINGTON MUSEUM.

QUESTION.

Lord WILLIAM GRAHAM said, he wished to ask the Vice-President of the Committee of Council on Education, Whether the Buildings for schools and residences at South Kensington Museum, for which a Vote of £15,000 is proposed in the Education Estimates, are to be erected after the plan designed by Captain Fowke, which plan includes the commencement of an ornamental architectural elevation, thereby deciding the style of architecture to be adopted for the whole of the Buildings?

Mr. LOWE said, that the best answer which he could give to the question of the noble Lord was to read the following paragraph from the Report of the Committee of last year, of which the noble Lord was a member :—

> "Your Committee are by no means anxious to involve the revenue in large expenses for mere ornament. The Museum is yet in course of formation, and they think it unwise to commit the country to a heavy expense in anticipation of its wants. The Committee recommend that any plan which may be adopted for the buildings to be erected should be capable of being worked into a general plan which would at once fully occupy the ground, and be susceptible of a proper amount of decoration. Such a plan has been laid before the Committee by Captain Fowke."

If Parliament granted the money which was to be asked for it was intended that the buildings should be erected according to the plans of Captain Fowke ; but that would not determine the style of architecture of the Building of which those erections would form part.

Lord WILLIAM GRAHAM said, that the schools would occupy nearly the whole of the western front, and, therefore, their elevation must determine the character of the Building.

THE NEW COURTS OF JUSTICE

QUESTION.

Lord JOHN MANNERS said, he wished to ask Mr. Attorney-General, Whether, in the event of the Courts of Justice Building Act (Money) Bill being read a Second time, he will refer the question of Site for the proposed Buildings to a Select Committee ?

The ATTORNEY GENERAL said, that in all the discussions and inquires upon this subject there had never been any difference of opinion as to the site for the New Courts, except on the part of some proprietors of houses in Lincoln's Inn Fields, who naturally desired that their property should become more valuable. The Commission for which we were indebted to the noble Lord, and which had conferred great public benefit, were unanimous in the opinion that the site recommended by them should be adopted. Under those circumstances he did not think that he should be right in risking the postponement of the measure by referring this question to a Select Committee.

THE ACCIDENT IN THE HAMPSTEAD ROAD—STEAM ROAD CARRIAGE.

QUESTION.

Mr. DARBY GRIFFITH said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been called to an accident in the Hampstead Road, caused by a Locomotive Steam Road Carriage, which, in going along the road, removing the *débris* from the old Reservoir, snorting and blowing off steam, caused the horses of an omnibus to take fright, rush on the pavement, and capsize the passengers, breaking arms and legs, and doing shocking injury to the passengers; and whether he is of opinion that such Locomotives could safely run in future on the public roads?

Sir GEORGE LEWIS stated that a Report had been made to him on the subject by the Commissioners of Police, at his request. The nature of the accident was substantially that reported in the public papers, but the injuries were confined to one man having his collar-bone broken and to several others receiving bruises. At the same time, though the accident was not so serious as had been imagined, there could be no doubt that considerable danger was caused by the passage of such a vehicle; the Superintendent of Police, who reported on the matter, stated his opinion that the employment of such an engine on the public roads was dangerous. Under the present state of the law the only remedy, in addition to the civil action which might be brought by persons suffering injury, was the indictment of the proprietors for a public nuisance.

PAUPER CHILDREN IN IRELAND.

QUESTION.

Mr. MACEVOY said, he rose to ask the Chief Secretary for Ireland, Whether his attention has been directed to certain proceedings alleged to have taken place at the Sligo Board of Guardians, on the 4th of June last, by which it appears that two children named Caulfield, whose parents were both Catholics, had been illegally registered Protestants, and that, although the uncle of the children had applied on the 21st of May last for their discharge, the Sligo Board of Guardians had refused his application; and on the 4th of June a majority of the Board passed a Resolution to give them up to their grandfather, who then also, at the suggestion of the Protestant Chaplain, made a claim for them for the purpose of at once transferring them to a Protestant Orphan Society, and what steps he intended to take in the matter?

Mr. CARDWELL said, that six years ago two children born of Roman Catholic parents were taken by the directions of their paternal grandfather to the Sligo Workhouse, and were registered as Protestants. The Guardians did not, he was informed, know that they were Roman Catholics until an application was made the other day that they should be given up to their uncle. Another application was made to have them given up to their paternal grandfather. The Guardians gave them up to him, and in doing so he believed that they complied with the requirements of the law.

THE HIBERNIAN MILITARY SCHOOL.

QUESTION.

Mr. MAGUIRE said, he wished to ask the Chief Secretary for Ireland, Whether it is true that a Protestant Orderly of the Hibernian Military School, Dublin, named James Harrisson, did not, when feeling himself to be in his last sickness, express a wish to see the Catholic Chaplain of that institution; whether the resident authorities of the School did not refuse to take any steps to ascertain if Harrisson really desired to see the Priest; and whether, in point of fact, notwithstanding the urgent entreaties of his wife, he was not left to die without any religious ministrations whatever, whether Protestant or Catholic; whether there is any objection to the production of the Correspondence between the Catholic Chaplain and the Lord Lieutenant or the Lord Lieutenant and the authorities of the School in reference to this case; and whether an investigation has been ordered by the Lord Lieutenant, with the view of ascertaining the real facts respecting it; and, if so whether there is any objection to state its nature and result?

Mr. CARDWELL said, that it had come to his knowledge that circumstances of some such kind as those to which the hon. Gentleman had referred had occurred, and that a correspondence on the subject was about to be laid before his noble Friend the Lord Lieutenant of Ireland.

RIOT IN THE COUNTY OF LIMERICK.

QUESTION.

MAJOR GAVIN said, he rose to ask the Chief Secretary for Ireland, Whether his attention has been called to a riot that took place on the 14th inst. in the village of Pallaskerry, in the county of Limerick, caused by the posting of a placard alleged to be offensive to the religious feelings of the people of that village; and whether he will take steps to prevent a repetition of conduct which may be calculated to excite angry feelings?

MR. CARDWELL said, he understood that, by the exertions of the Roman Catholic clergymen, the excitement which existed among the people had been calmed, and that peace was entirely restored. The Protestant clergyman had on his part undertaken not to repeat the publication of the placard which had produced the excitement.

EXPORTATION OF SALT.

QUESTION.

SIR JOHN PAKINGTON said, he wished to ask the President of the Board of Trade, Whether any arrangements have yet been made with the Government of France for the admission of British Salt into that country; and, if not, whether there is any probability of such arrangements being effected?

MR. MILNER GIBSON said, that no arrangement had yet been made for the reduction of the Import Duty in France on British Salt, but an inquiry was going on, and he might say that not only was there a probability, but he had every reason to believe that that inquiry would be soon completed and would be followed by a reduction of duty on British Salt exported to France.

SIR JOHN PAKINGTON: What is the nature of the inquiry, and where is it going on?

MR. MILNER GIBSON: It is going on in France. It is a matter which in their view of the case is a difficult one, and an inquiry is being conducted by the French Government, which we have reason to believe will be followed by a reduction of the duty.

CIVIL SERVICE ESTIMATES.

QUESTION.

SIR STAFFORD NORTHCOTE said, he wished to ask the Secretary to the Treasury, For how long a time the money proposed to be taken on account for Civil Services will enable the Public Service to be carried on, and whether he can name a day when the Miscellaneous Estimates will be proceeded with?

MR. PEEL said, that the sum proposed to be taken on account would not be sufficient to pay more than the salaries and pensions which would fall due at the expiration of the current quarter, and to meet other demands which would probably be made in the course of the first week in July. Not having been able to see his noble Friend at the head of the Government since the hon. Baronet gave him notice of his question, he could not name a day on which the Miscellaneous Estimates would be taken, but as the money to be taken on account would not be applied to defray the cost of any of the services which were included in Class I., and as it was extremely desirable that the authority of the House should be given to the execution of the works comprised in the Votes of that class, he thought it important that the Miscellaneous Estimates should be proceeded with on as early a day as possible.

CASE OF MR. KING HARMAN.

SIR GEORGE LEWIS: Sir, on a former day I made reference to the case of Mr. King Harman, who was convicted by Mr. Arnold, the Police Magistrate, and whose sentence received some mitigation. I stated that a second information issued by the Police had been laid against Mr. Harman at the suggestion of the Police Magistrate, and that it would not have been laid by the Police if they had been left to the exercise of their own discretion. Mr. Arnold has, subsequently, made a communication to me on the subject, and he states that no intimation of the alleged reluctance of the Police to lay that information had been made to him. I think it right that the House should be made aware of that fact. A Report which has been made to Sir Richard Mayne by the Police Inspector is to this effect. It is dated on the 11th June—

> "With reference to the case of assault previously reported, I beg to state that on Tuesday, the 5th instant, a Report of Inspector Humphries was handed to me, stating that it was the opinion of the Magistrate that a Warrant should be taken out for the assault upon the Police. Accordingly, I gave instructions to go to the Police Magistrate to get a Warrant, which was done. At that time no steps had been taken beyond the execu-

tion of the Warrant for the assault upon Mr. Adams."

This Report shows that the Police did not initiate the second information, but that fact was not made known to the magistrate himself.

REINFORCEMENTS FOR CANADA.

OBSERVATIONS.

SIR JAMES FERGUSSON said, that in order to make a statement which he deemed absolutely essential, he begged to move the adjournment of the House. ["Oh, oh!"] He was aware that this was an exceptional course, not to be taken without reasons of great urgency, and which should be resorted to with reluctance by any one in as humble a position as himself. But it was, nevertheless, a course which, in exceptional cases, the Committee appointed to consider the business of the House desired to preserve in the hands of Members. Having given notice of his intention to bring a question before the House that evening with regard to the reinforcements under orders for Canada, he desired to state the reasons why he could not be content to wait for his proper place on the paper. Whether the Motion of which the hon. Member for Cork county had given notice on going into Committee of Supply were negatived or agreed to, it would equally deprive him of the opportunity of bringing forward his Motion. When he informed the House, on information which he believed to be correct, that the troops under orders for Canada were to sail on Wednesday next, it would be seen that if this were a question on which an opinion should be expressed, no time ought to be lost in bringing it forward. On Friday night he had not been fortunate enough to obtain precedence on the paper, and, even had he been able to do so, Members were not present in sufficient numbers to give any effect to his observations. He feared recurrence of exactly the same thing that evening, and he, therefore, threw himself on the indulgence of the House. He assured them that in doing so, he was not actuated by any motive of personal vanity; but the subject was of such immense importance, and the step which was about to be taken might lead to ulterior consequences of such magnitude, that he thought the House ought to have an opportunity of expressing an opinion with regard to the policy of Her Majesty's Government before the step was irretrievably taken.

SIR HENRY WILLOUGHBY rose to order. The hon. Member had given notice of a Motion on going into Committee of Supply which stood in a certain position on the paper of the day. He wished to know whether the hon. Member, by his present Motion for Adjournment was in order in seeking to anticipate the discussion which would take place on his former Notice?

MR. SPEAKER: A question was addressed to me the other day with regard to taking Notices in the order in which they appear on the paper. I did not enter very fully into that question at the time; but perhaps it would be proper that I should state that, on what are called days for Notices of Motion, every Gentleman who has put his name down for a Notice of Motion is called upon by me in his turn. But on Order days, the Orders of the Day are called on in their turn, and if Gentlemen have given notice of their intention to move Amendments on those Orders, then it is not my duty, and it has not been the habit, to call upon those Gentlemen. But if they present themselves and rise to move the Amendments of which they have given notice—as I stated the other day—it would be my desire, as far as possible, to give Gentlemen, when they rise, precedence according to the order of their Notices—because it is obviously of no use to give notice on the paper unless some consideration is attached to that Notice. The only doubt which I have with regard to the character of the step taken by the hon. Member is this. He has given notice that he will call attention to the recent augmentation of our military force in Canada. Had he given notice of a Motion on that subject, the course which he is now pursuing would, undoubtedly, be out of order. It is for the House to consider whether they will permit a Gentleman who puts his name down to make observations on going into Committee of Supply, and whose name stands tenth or twelfth on the list, to rise before the public business is concluded, and before some Gentlemen who wish to move for unopposed Returns have had an opportunity of doing so, and to move the adjournment of the House in order that he may bring forward the subject in which he is interested out of its due course? I consider such a proceeding highly injurious to the conduct of business in this House. I am not empowered to say that an hon. Gentleman may not make the Motion for the adjournment of the House; but I consider the Motion now made extremely injurious to the conduct of public business, and one which should be greatly discouraged by the House.

Sir JAMES FERGUSSON said, he had overlooked the fact that the unopposed Returns had not been granted. But, believing that would be the last opportunity of discussing the subject, he had been led to adopt what he was aware was a very exceptional mode of seeking to bring the matter forward. In rising he had expressed his sense of the great indulgence he was asking at the hands of the House, and he could assure hon. Members that he was only actuated by the sense he entertained of the importance of the question to which he sought to invite attention. But after the opinion which had been expressed from the Chair, he felt that he would neither be consulting the feelings of the House nor the duty which he owed towards its rules, if by persisting he ventured so very near an infraction of those rules as the Speaker had held that his doing so would be.

On Motion that the House go into Committee of Supply,

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

THE DERRYVEAGH EVICTIONS.

ADDRESS MOVED.

Mr. VINCENT SCULLY, in pursuance of Notice, rose to move that an humble Address be presented to Her Majesty representing—

> "That Mr. John George Adair, one of the Justices of the Peace for the County of Donegal, had recently ejected all the inhabitants from a tract of land in that county under circumstances which appear to this House to affect seriously the general peace and well being of the district; and praying that She may be graciously pleased to direct an Inquiry, with a view to consider whether it was fitting that Mr. Adair should continue to hold Her Majesty's Commission."

The hon. Member said, that on the last occasion when he ventured to call the attention to this subject he was met by the suggestion of the Chief Secretary for Ireland that the House of Commons had no power to address Her Majesty upon the subject of removing one of her officers from the commission of the peace, or of inquiring into his fitness to hold that office. He (Mr. Scully) hoped his Motion would not be decided upon any such narrow ground, and he could not conceive any other answer of a plausible kind which could be made to it. The House was in fact the proper tribunal to address Her Majesty in case of a neglect or abuse of duty by one of the superior Judges, praying Her to remove him: he did not, therefore, think that the Government should set up that answer. He was not going to contend that a landlord might not do as he liked with his own, nor was he going to originate a personal charge against Mr. Adair. He was there to give Mr. Adair an opportunity of justifying the charges he had put forward as the grounds for acting as he had done, and because he believed those charges to be a libel on the country if they were not true. He had not taken up the case lightly, but had done all he could to ascertain the facts, and he had taken care that Mr. Adair should know the information which he had obtained, so that it might be corrected if incorrect. The House was already aware that on the 8th, 9th and 10th of April these evictions, by order of Mr. Adair, took place. The official Returns showed that "28 houses were unroofed or levelled; 46 houses evicted; 47 families, comprising 37 husbands, 35 wives, 159 children, 13 other inmates; making a total of 244 persons." On the day after the evictions Sub-Inspector Henry wrote to the County Inspector as follows:—

> "I proceeded on 8th, 9th, and 10th inst., in command of a force of one Sub-inspector and 200 men, accompanied J. A. Dillon, Esq., R.M., to protect the Sub-sheriff while executing a writ of *habere* on the property of Mr. Adair. There were forty-seven families, comprising 244 persons, evicted. Many of their houses were levelled. There was no breach of the peace."

Now these were the occurrences which took place on Mr. Adair's property; but it was not to those acts, or to their terrible consequences, that he intended to allude. It was true fifty persons were driven into the poor-house, one old man died within a few days from the hardships he had suffered, and two other men had become lunatics. It was not, however, on account of these things that he brought forward the Motion which he had to make, but because Mr. Adair had put forward, as grounds for the evictions, that those people had been participators in the most serious crimes, including murder. Now, he challenged Mr. Adair to give the slightest proof of such charges, and he would not only say that full inquiry had satisfied him that such statements could not be established, but that he (Mr. Scully) could prove them to be incorrect; and, further than that, he would show that the means of knowing them to be incorrect were all in Mr. Adair's own immediate possession. Perhaps Mr. Adair, if he were listening to what were said, after he found that there was not the slightest ground for imputing any of these crimes to any of the unfortunate persons charged, would set himself to right the wrong which he had done, and withdraw the allegations which he had thrown out. In order that the House might understand the case, it was necessary that he should read the exact words of Mr. Adair in making the accusations. They were contained in two letters written to the Under Secretary for Ireland on the 8th and 16th February, and were more tersely given in a letter which Mr. Adair afterwards wrote on the 6th April to two clergymen of the parish—the Rev. Mr. Kane, and the Rev. Mr. Maturin. These were the statements, every one of which he (Mr. Scully) alleged to be utterly unfounded as connected with the inhabitants of Derryveagh. He said first of all—"A previous proprietor of my estate, Mr. Marshall, was murdered." And he made the same charge in his letter of the 16th Feb. Again, he says:—"On these lands I was myself attacked by a large armed party, most of whom I recognized as inhabitants." Again—"About the same spot my manager, Mr. Murray, was murdered." A fourth charge was—"While I was at the House of one of you (Mr. Maturin), investigating this murder, the offices were maliciously burned down." A fifth charge was—"Two or more of the coroner's jury, in Murray's case, who found a verdict of wilful murder, were attacked." Again—"Large numbers of my sheep have been from time to time made away with," And "My dogs have been, on two occasions, poisoned." A further charge was, that a system of intimidation, with threats of murder, had been carried on towards Mr. Adair and his servants, although in his management of the property there had not been a single eviction among a numerous class of tenantry, nor even an acre of commonage taken from the people; that almost all the crimes of which he complained were in some way connected with Derryveagh, and that the perpetrators of many of them must have been known to the people of the district. Mr. Adair further stated that he had purchased the property, enchanted by the beauty of the scenery, and that he could not suffer himself to be diverted from his design of improving the condition of the people by the infernal combinations of the Ribbon Society. Now, he (Mr. Scully) was prepared to disprove every one of the charges contained in that letter. He defied Mr. Adair to prove that any one of the crimes alleged could be brought home to any of the people living on the Derryveagh property; and further, he (Mr. Scully) had not been able to trace the slightest semblance of Ribbonism among the inhabitants of that property, though Mr. Adair spoke of it as having "fatally spread itself over the whole country." On the other hand, the statements of Mr. Adair were wanting in candour, as the House would see on a careful comparison of dates. The hon. Member for Donegal (Mr. Conolly) had moved for a return of the number of outrages for each of the ten years commencing the 1st of January, 1851, but he (Mr. Scully) did not see how that return bore upon this case. Derryveagh was a district containing about 12,000 or 13,000 acres in the parish of Gartan, which contained about 44,000 acres, with the greater part of which Mr. Adair was connected, either as landlord, or occupier, or as head landlord with the right of sporting and shooting. There were four estates in the parish. The first property, called Glenveagh, was occupied by Mr. Adair, and the unfortunate Mr. Murray was murdered upon it. But the Derryveagh people had nothing to do with that property; or, indeed, with either of the other three estates which composed the parish of Gartan. Mr. John Marshall was a former owner of the Gartan estate. He was fired at in 1840, upwards of twenty years ago, not "a few years" as Mr. Adair stated, nor by people in connection with Derryveagh. He died in October 1840, partly from his wounds, and partly in consequence of a full habit. Mr. W. Marshall, who succeeded him, died on the 2nd of February, 1849, leaving the present Samuel Marshall his heir. On December 31, 1855, Samuel Marshall conveyed the Gartan estate to W. C. Cornwall for £5,900. On August 22, 1857, Mr. Adair for the first time made his appearance in the county, and bought a portion of the Glenveagh estate from Pitt Skipton, and on the 31st of December he purchased the remainder of the estate. He then purchased in the Incumbered Estates Court a fee farm rent of £25 Irish out of Glendoan; also a fee farm rent of £60 Irish out of Derryveagh, with the right of sporting, in both cases, reserved to the grantor and to his heirs—not his "assigns"—and Mr. Adair's exercise of this right led to disputes, and was indeed the root and origin of these evictions. On the 30th of April he purchased the Gartan estate of W. C. Cornwall for £8,000. Mr. Adair had no sooner purchased this property than he applied to the Government to erect a police barrack upon it, professedly for the purpose of putting down illicit distillation. That was done, and then close to it he put up a pound, and made it a source of terrific annoyance to his tenants and the adjoining estates by putting into it all goats, sheep, horses, and cattle trespassing on his mountains. And yet he had declared that he had never deprived his tenants of any privileges of pasturage. In September of the same year, 1858, Mr. Adair was appointed a magistrate of the county of Donegal. On August 21st and 22nd Mr. Adair set up a claim to sport over Derryveagh which belonged in chief to Mr. James Johnston, and was occupied by James Corrin and others. As soon as the shooting season commenced, he went to shoot over the property in order to assert his rights, which had not been exercised for 150 years, and which Mr. Johnston disputed. One of Mr. Adair's gravest charges was that he was attacked on these lands by a "large armed party, most of whom I recognized (he said) as inhabitants." The fact was that in August, 1858, Mr. Adair's claim to sport over Derryveagh was resisted by James Corrin and other tenants of James Johnston. These parties were indicted by the grand jury, and Corrin then brought an action against Mr. Adair for assault and battery and malicious prosecution. The jury found that there was an assault by the defendant, Mr. Adair, but that it was in the exercise of a lawful right of sporting. A verdict, therefore, passed for Mr. Adair, but notice of motion for a new trial was given. Mr. Adair's imputation of crime against the inhabitants, and his complaint that he was attacked by a large armed party on these lands, wore a very different aspect when it was known that he claimed to sport on these lands under a fee-farm rent which was not one-fourth of the value of Johnston's interest. These parties were armed with sticks and other weapons, but it was not alleged that they had any firearms. They were defending the supposed rights of their landlord, and there was nothing in the proceeding calculated to put any man in bodily fear. Notice of motion was given for a new trial, but before the new trial came on, Mr. James Johnston and Mr. Adair came to an agreement, in accordance with which Mr. Johnston gave a fee-farm grant of Derryveagh (11956 acres) to Mr. Thomas Cooke Trench, in trust for Mr. Adair, at £225 a-year, being about £40 above the existing rents of the occupying tenants. Mr. Johnston placed these parties in the hands of Mr. Adair, not conceiving that the latter would revenge himself on them for defending their landlord's rights. This agreement was carried out on the 10th of October, 1859, Mr. Johnston having on the 7th of October taken his tenants' notes or I O U's for their Derryveagh rents up to the 1st of May, 1859, which were all paid in full on the 25th of November. On the 29th of December, Mr. Adair received his Derryveagh half-year's rents to the 1st of November, 1859 ; and on the 20th of January, 1860, he served notices to quit on his Derryveagh tenants, with the avowed intention of re-arranging the holdings and putting them in a more covenient form. On the 1st of November, 1860, the notices to quit were supposed to expire, and the tenants gave up formal possession. Afterwards, for the first time, in order to clear the land, Mr. Adair turned round and made these charges of murder and of other crimes. If the tenants had chosen to take defence, Mr. Adair could not eject any of them until the spring assizes, but they gave up possession on the 2nd of November, under the impression that he was to make a new arrangement with them. On the 13th of November, 1860, James Murray, his steward, left Glenveagh Cottage at ten o'clock in the morning, and on the 15th was found murdered on the Glenveagh estate, two or three miles from the Derryveagh property. Yet it was insinuated that some of the persons who had voluntarily given up possession of their Derryveagh holdings, had been guilty of the murder, though there did not exist the slightest support for such a suggestion, and though the Rev. H. Maturin stated that there were more grounds for suspecting other parties. More had been done to annoy the tenants of Gartan, Mr. Adair having lent his boat to pursue some of those tenants to an island where they were suspected of smuggling. He did not, however, think that the charges against them were worth attending to. Mr. Maturin gave the Derryveagh tenants the highest character, and more than insinuated mysterious motives for the commission of the murder. He (Mr. Scully) would not go further into that subject, but the Chief Secretary for Ireland knew to what he alluded. It was the common talk of the district; and it was communicated to him (Mr. Scully) over and over again, and he was at perfect liberty to state it as a fact, but he should prefer to abstain from doing so. Mr. Adair said he had ejected these people on public grounds, and that he expected to lose £200 a-year for some years, by the lands being in a state of waste. He (Mr. Scully) was not going to assert that that was not Mr. Adair's belief, but it was not his (Mr. Scully's) belief. The way to make the land more profitable was to clear out the tenants, put sheep upon it, and make it another Sutherlandshire. Whatever might be Mr. Adair's motive, or his fear or apprehension, it was the way to make money of his property. Mr. Adair had employed forty-two policemen to serve his ejectments, at an expense of probably £100 to the public, and, at an expense of not less than £1,000, he moved 200 policemen on the day of the census, for the purpose of executing the *haberes* on the 8th, 9th and 10th of April. He (Mr. Scully) asked if the public money should be misapplied for such a mischievous purpose? Were the Irish police to be the instruments for effecting those clearances? Were the poorhouses to be erected for the reception of those outcasts, whom the landlord would not venture to cast out if there were not those receptacles for them? It behoved them, on every ground of public policy, to see that the public money was not wasted in this manner. He had read the report of the inquest on the body of Mr. Murray in a newspaper that had hitherto advocated Mr. Adair—the *Dublin Evening Mail*—and, on considering the nature of the ground, it seemed most probable that a person who knew of Murray's coming in and going out, and could walk behind him without suspicion, was the most probable person to commit the murder. The place where the murder was committed was upon the side of a bare, open hill, at an angle of forty-five degrees; and armed as Mr. Murray was, with a revolver, it was absurd to suppose that any one could have sprung upon him unawares. If, therefore, suspicion was to attach at all, it must attach more to a person who had an opportunity of committing the murder than to one who had not. With regard to the burning of the outhouse, which was another of Mr. Adair's charges, Mr. Maturin, the clergyman to whom it belonged, did not allege that it was burned maliciously, and the constable in charge of the police force in the neighbourhood, who was the first person at the fire, stated that it was accidental. Then it was also said by Mr. Adair, that two or more persons who were on Mr. Murray's jury were attacked; but the facts were, that the attacks alluded to were mere trifling and foolish affairs, arising from a drunken quarrel, and having nothing to do with the matter in question at all. Then Mr. Adair said that two of his dogs had been poisoned; but there was every reason to believe that they were poisoned by Mr. Adair himself, who was in the habit of setting poison in his grounds with a view to the preservation of his game. Mr. Adair stated that there were 100 sheep of his maliciously destroyed, and in a subsequent letter that 600 sheep had been destroyed. It appeared, from a memorial which had been addressed to the Lord Lieutenant, that one William Doherty, being in gaol, accused of destroying and stealing sheep, Mr. Adair went to the gaol and there took the information of Doherty against four persons, two of whom were tenants of Colonel Humfrey. Upon a written order of Mr. Adair the police arrested those men, but after being imprisoned for five days, and marched sixty miles to and from gaol they were liberated when the case came before the bench of magistrates. The men brought an action against the police for the arrest; the case was tried before Mr. Henn, Q.C. It was proved that the men were arrested by the written order of Mr. Adair, and a verdict was found against the plaintiffs. Then Colonel Humfrey made a representation to the Lord Lieutenant, and the answer he received was, that there appeared to have been some misunderstanding, and his Excellency felt that any further inquiry could not be prosecuted with advantage. He (Mr. Scully) had received a letter that morning from Colonel Humfrey, stating his readiness to produce all the written documents and to go before a Committee of the House. That very matter, if nothing else, was a reason for the appointment of the Committee which he asked for. With respect to the case of the 85 sheep which Mr. Adair stated had been maliciously destroyed, an inquiry took place and the whole matter was investigated. The bench on that occasion came to the unanimous and almost indignant resolution that they were of opinion no sheep of Mr. Adair's were maliciously injured or made away with, and that it appeared from the evidence of the constabulary that 66 sheep were found dead from the inclemency of the weather, and with no mark of injury upon them. Mr. Adair had put forward that charge again; but his own opinion of that charge was shown by a letter he wrote to the *Londonderry Journal*, on the 29th of February, 1860, in which Mr. Adair stated that the case was put forward by his steward, without his sanction. He added that he did not believe any ill-feeling existed against him among the people of the county of Donegal. The fact was Mr. Adair had stood for the county of Limerick as an extreme tenant-righter. The people would not have him there, and then he sprang up in Donegal, not to assert landlord right but landlord wrong. If a landlord would assert his rights he must not shelter himself under false excuses; and if he became a disturber of the public peace it became a fit subject for inquiry whether his name should be retained in the commission of the peace. Mr. Adair had no right as a landlord to confound the innocent with the guilty—he had visited the alleged sins of the father upon their children; for among those whom he evicted were 159 children. He thought he had entirely disproved the various charges brought against these unfortunate persons. The clergy of all denominations in the district were all of opinion that if a stop were not put to such proceedings Mr. Adair would excite the people to madness. Indeed, two fathers of poor families had already been driven into insanity, and were now inmates of the lunatic asylum. In conclusion, he was not wedded to the particular terms of his Motion. If it was thought that, instead of an inquiry under the authority of the Crown, it would be better to have an investigation before a Committee of that House, or in any other form, he had no objection to modify his Motion accordingly. The Government had frequently instituted inquiries into the conduct of magistrates where the circumstances were far less grave than the present. He was anxious for no arbitrary or unfair proceeding. He had known strong steps to be taken to put down political agitation—the Repeal movement for example; and several highly honourable gentlemen and deputy lieutenants of counties, one or more of whom, indeed, he now saw in that House, were summarily deprived of there commissions of the peace without there being any slur whatever on their character. The power which his Motion contemplated, therefore, existed, and he proposed that it should be exercised in the mildest possible shape. He did not bring this matter forward in any way as a public prosecutor, but he felt it his duty to afford Mr. Adair an opportunity of having his conduct fully inquired into. If the case were his own he should be glad to have such an opportunity, and, as one of the landlord class, he could sincerely say that no man would more rejoice than he should do if Mr. Adair was able satisfactorily to vindicate himself, and to show that he was worthy to retain his commission as a magistrate. He trusted that Mr. Adair, when he came to take a cooler review of all the circumstances, would perceive that his only escape from the position into which he had brought himself was to admit that he had been wrong, to retrace his steps, and restore these unfortunate persons to their holdings. The hon. Member concluded by moving his Resolution.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words—

"An humble Address be presented to Her Majesty, representing that Mr. John George Adair, one of the Justices of the Peace for the county of Donegal, has recently ejected all the inhabitants from a tract of land in that county under circumstances which appear to this House to affect seriously the general peace and well-being of the district; and praying that She may be graciously pleased to direct an Inquiry, with a view to consider whether it is fitting that Mr. Adair shall continue to hold Her Majesty's Commission."

—instead thereof.

Mr. HENNESSY begged to second the Motion of his hon. Friend on the broad ground that an Irish landlord and magistrate had done an act which his brother magistrates and the clergy of his parish, as well as those in Ireland who had investigated the case, all condemned, and which the accused had himself attempted to justify in a singular letter that he sent to Dublin Castle. That letter contained a passage in which the writer said the law recognized the principle that in cases of malicious injury to property, the district should be made responsible, and asked whether the addition of murder did away with that responsibility? The letter proceeded to request that his Excellency should be informed that the writer would with pleasure abandon his intention to evict these people if the Government would suggest to him any other means of safety for himself or his servants, or would give him that protection which it was its first duty to afford, but which it had hitherto so entirely failed in affording. In the absence of that, however, Mr. Adair added that he could not hesitate to do, at any cost, what he felt the state of the country made it his duty to himself and to society to do. The plain meaning of that was that Mr. Adair set himself above the law, and usurped the position, not of the Executive merely, but of Parliament itself. He accused the Executive of neglect; and such an accusation ought to be met by inquiry. Without entering into details, a great act of inhumanity had *primâ facie* been committed. 244 persons, of whom 159 were children, had been driven from their homes and turned out upon a bleak mountain side. The people were tenants whose fathers had held the property long before Mr. Adair became a landlord in Ireland. That gentleman had been proprietor of the estate for three years, but many of the tenants had lived upon it from their infancy. One old man of eighty, who had been born on the property, was transferred to the workhouse. When such acts were perpetrated and defended on the plea that the law was defective, and that the Government had not done its duty, the matter imperatively demanded inquiry. He thought that the Executive had done all in its power, and that Mr. Adair had acted in a manner disgraceful to the class to which he belonged. Therefore, while he was the last person to countenance undeserved attacks upon Irish landlords, he cordially seconded the present Motion.

MR. CONOLLY said, that nothing could be more painful to him than to take part in this discussion; but as a representative of the county in which the occurrence called in question by the hon. Member had taken place, he felt it his duty to give a statement of facts. In the first place he must ask the House to distinguish between the county of Donegal at large and that portion of it where the crimes which had excited Mr. Adair's indignation had been committed. The particular district on which that gentleman's property was situate was so tainted with crime that for the last ten years it had been regarded as the most criminal district in all Ireland. The hon. and learned Gentleman opposite had moved for an inquiry into Mr. Adair's conduct, and had made a statement with apparent candour; but he had given the go-by to the most important feature of the case—he had omitted to notice the serious matter which had led to all the evictions complained of—namely, the existence of the fearful Ribbon Society. That society was at the bottom of all the outrages which had disgraced the county; and he was convinced that it was at the bottom of Mr. Murray's murder, which was the chief cause of the occurrences concerning which an investigation was now asked for. That being so it was not fair to Mr. Adair, or to the House, that the question of these evictions should be submitted to the House without any reference to crimes which were the direct fruits of the Ribbon Society in that county. He was certain that the Irish Government were fully aware of the widespread organization that prevailed in that district of Donegal, which, it was but justice to say, was but one sixth part of the whole county, the remaining five-sixths of which were in a perfectly orderly and peaceful condition. Some hon. Members might not remember former descriptions of the Ribbon Society, and, therefore, he might state for their information that it was a combination of a most fearful character to carry out an agrarian law, enforcing its views by murder and most dreadful alternatives—beatings, waylayings, and burnings. English and Scotch Members could hardly believe that so awful an engine of terrorism could exist in these days; but, having attended the grand jury of the county for the last ten years, he could state that upon every occasion there was some fearful crime which could not be brought home to the perpetrators, as convictions could not be obtained owing to the terrorism of the Ribbon Society, which prevented persons from giving evidence of facts within their knowledge. The unfortunate farmers where the combination existed, even if they were not members of the society, could take no steps to clear the county of the stain because of the threats held out by the secret committees. Even where persons had been waylaid and beaten they had refused to give evidence against their assailants, so great was the terror caused by the warnings of the society. The great number of crimes that had disgraced that part of the county were all attributable to that horrible conspiracy. About a month ago he (Mr. Conolly) moved for a return of all the crimes reported by the police in that county during the last ten years; but the return which had been furnished was very meagre, and the amended return had not yet been presented; and he must, therefore, read to the House from a private report that had been furnished to him by a magistrate of Donegal, the facts of which could be compared with those of the amended return when produced. This gentleman stated that it had been his duty to take part in several fruitless investigations into serious outrages committed in the district of which the townland in question was the centre, and that it had been found impossible to vindicate the law or obtain convictions, though some of these outrages were committed in the presence of numerous witnesses. The hon. Member for Cork took exception to Mr. Adair's bearing in mind the murder of Mr. Marshall in connection with the more recent murder of Mr. Murray. It was no falsehood in Mr. Adair to say that his predecessor in the estate was murdered. Mr. Marshall was shot down in broad daylight, on his way from church; and from that time to the present there had been a succession of similar crimes. A preceding proprietor of one of the estates now held by Mr. Adair —a Mr. Chambers—left the country on account of his life having been frequently threatened. But before stating the fearful atrocities that had been committed in Donegal under the Ribbon system, he would quote the opinion of one of the greatest ornaments of the Irish Bench—Chief Justice Burton. He said—

> "If a crime so awful as murder is capable of yet further aggravation, it is when committed by previous conspiracy. To my imagination nothing can be more shocking than that persons should commit this crime by premeditation, and if any addition can be supplied beyond this horror, it is only to be found in the disposition of a considerable part of society to screen the criminals from justice; it is a mental, if not an actual, participation in the crime."

If he could show that in this district there had been several consecutive outrages, no doubt in connection with Ribbonism, all escaping detection, though witnessed by numbers of the population; if he could show that Mr. Adair had reason to believe that many of these people were accomplices after the fact in the murder of his steward—these would be grounds on which Mr. Adair was morally, if not legally, justified for resorting to this severe mode of punishing them. The magistrate of Donegal he had alluded to went on to say that Mr. Marshall was murdered on a Sunday in the presence of 200 witnesses. Though numbers of them saw the shot fired, they let the murderer walk quietly away. A Mr. Moore was cut to death with reap-hooks, close to his own house. A man named Johnston had his horse shot, and his own life was placed in great danger for many days. A Mr. Nixon was attacked when returning from church, with the female members of his family, by three men disguised as women. A bailiff of Mr. Adair's predecessor was shot on his return from market. Then came the murder of Mr. Murray. There had been numerous other outrages, attended by less fatal consequences, that could all be traced to the Ribbon organization. The terror of it was complete, and, as a necessary consequence of impunity, this fearful system was extending. In many cases farmers had applied to the authorities to have it put down; but all the exertions of the magistrates and police during five years had failed to do so. The sons of the farmers were drawn into the society, or forced to join it, for their own protection. Jurors and witnesses were threatened; and assaults and attacks were concealed, rather than run the risk of prosecuting. [Mr. BUTT: What is the name of the magistrate?] He was ready to give his name to the hon. and learned Member in private; but, considering what was the system of the Ribbon conspiracy, and that Mr. Murray's life was threatened several times before he was murdered, he objected to give the name publicly. A more desperate state of things than that in which these murders could occur could not be imagined; and if anything could justify the extreme steps taken by Mr. Adair, it was these assassinations. The system had grown to a fearful extent; the well-being of all classes in the district was affected by it; and it had compelled Mr. Adair to resort to the only plan open to him to show the Ribbon conspirators that they should not tyrannize over the country. When his steward had been murdered, and his own life threatened more than once, Mr. Adair had to consider what steps he ought to pursue. After the murder of Mr. Murray, Mr. Adair caused strict inquiry to be made as to all the inhabitants of Derryveagh who were out from their houses on that day, and it was found that every individual who had been absent returned to a particular house in the village. This was the identical house in which Mr. Murray himself found a gathering of people two days before the murder took place, on which occasion he stated to Mr. Adair that he was certain bad work was going on by reason of the congregation of people there. Mr.

Adair's own life had been threatened by Derryveagh men, and though the evidence which he had been able to collect was not sufficient to insure a legal conviction, it produced a moral certainty in his mind that every individual who had arrived at man's estate in Derryveagh was more or less in complicity with regard to this murder. The hon. Member (Mr. Scully) had made no allusion to the fearful Ribbonism which prevailed there, and to the outrages which had paralyzed all law and defied almost all detection; and, instead of their being nothing to connect Derryveagh with the murder of Mr. Murray, there was a distinct combination in the village for the purpose of murdering that gentleman. Sir James Stewart, a gentleman of high character and position in the county, writing on this case, said that the line of conduct pursued by Mr. Adair in consequence of the murder of Mr. Murray, though very severe, was absolutely necessary, and was not the least more severe than was required by the magnitude of the offence committed. If Mr. Adair (added Sir James) had never evicted a single tenant, neither his life nor his property would afterwards have been safe; the same system of violence would have been carried into adjoining parishes, and would eventually have pervaded the entire mountain district of this county. The evictions here, although severe and perhaps extreme, were necessary under the circumstances, for Mr. Adair was so hemmed in by the Ribbon conspiracy that if he had not taken some such step he must either have given up his estate entirely or have held it subject to the control of these assassins. Similar cases had occurred. Lord Lorton found upon a portion of his property a state of crime analogous to that which prevailed in Derryveagh, and, the law having completely failed to bring the culprits to justice, he was obliged, after the commission of a number of crimes in Ballinamuck, to evict the whole of the inhabitants of the village, 162 in number. This step had been attended with the best results, for from that day to the present not a single murder had disgraced this particular district, the people finding that when the criminal law failed the law of property came in for the vindication of justice. Lord Templetown adopted the same measure after the murder of Mr. Bateson. By his orders the whole of the townland in which the murder took place was cleared of its inhabitants, and from that day the district had been peaceable and orderly. Nothing could be more painful than the idea of turning out a multitude of poor people into the road; but there was another idea quite as painful—the existence of such a state of terrorism as prevailed in that part of Donegal. Landlords were bound to exert themselves to the utmost to put an end to such a dreadful state of things; and, much as Mr. Adair's conduct had been decried, he believed he had acted the part of a courageous and independent man. It was not Mr. Adair who drove the people to desperation, but it was the people who drove him to extreme measures. This was a plain statement of the case, and he would not flinch from it.

Mr. BUTT said, that if the speech of the hon. Member who had just sat down meant anything it was a charge to every landlord in that part of the country, in the event of any disturbance arising upon his estate, to carry on a war of extermination and death against the inhabitants. ["No, no!"] He was glad to hear that sentiment disowned, but how would the speech of the hon. Member be read in Ireland? Mr. Adair had turned every human being in one particular district out of home upon the mountain-side, and he was not surprised to hear hon. Gentlemen shrink from the inferences which must be drawn from such conduct. He questioned the statement of the hon. Member that the murder of Mr. Murray was committed in the presence of hundreds of persons.

Mr. CONOLLY: What I stated had reference to the murder of Mr. Marshall.

Mr. BUTT said, that he had misunderstood the hon. Gentleman. But at any rate the hon. Member had stated that Mr. Adair's life had been repeatedly threatened. He challenged that statement. Had Mr. Adair ever made such an allegation? Was it true that the people of Derryveagh were steeped in crime? He had the testimony of impartial witnesses that that was not so; Colonel Humfrey, the owner of a neighbouring property, and as high a Conservative as any Gentleman in that House, sent to the clergyman of the parish a contribution of £5 towards the relief of the sufferers, and bore testimony to the "inoffensive and excellent" character of the inhabitants of the district. Then, again, the Protestant rector of the parish and the parish priest joined in urging Mr. Adair to reconsider the matter, on the ground, as they alleged, that there was no such thing as combination in Derryveagh. He (Mr. Butt) denounced as utterly false the allegation that any terrorism had been resorted to to coerce Mr. Adair, and he trusted full inquiry would be made into the state of the district, in order that the truth of the matter might be elicited. He trusted his hon. and learned Friend (Mr. Vincent Scully) would withdraw his Motion, in order that such inquiry might be made. What was Mr. Adair's testimony with regard to the inhabitants of the district ? He stated that he had been attacked in Derryveagh by a body of armed men, some of whom he recognized. Now, what was the fact ? Mr. Adair had a dispute with Mr. Johnston, the occupier, about certain sporting rights ; and Mr. Johnston, who was the deputy lieutenant of the county, told his tenants that they should prevent Mr. Adair from shooting on the property. The tenants did so, and the matter ended in a civil trial, which terminated upon some technical point in favour of Mr. Adair. Could there be a more atrocious lie and scandal than to say that that was an armed attack upon Mr. Adair? Then there was the statement that his sheep were killed; but that statement had been declared by the magistrates of the district to be without foundation. The circumstance that some of his dogs were poisoned might be accounted for by his having set poisoned baits for poachers' dogs, and to his own dogs having eaten them. As this Motion was one of importance to Ireland, he would ask the House to recollect how a great deal of the land in that country was circumstanced ? A great many tenants held their land subject only to a short notice to quit. What did Mr. Adair do after the murder had been committed ? Why he went to Derryveagh and received every penny of his rent from the tenants, and then turned them out on to the bare mountain-side, to the number of 244—the old and infirm, and the children altogether—punishing the innocent with the guilty. It had been said by the hon. Member opposite that these tenants of Mr. Adair belonged to a Ribbon Society; but he defied him to give any proof of this, while, on the other hand, there was abundant testimony to their being a most inoffensive people. He maintained that Mr. Adair's conduct could not be justified on any ground, and called upon the House to let the people of Ireland see that it had no sympathy with such revengeful proceedings. He (Mr. Butt) remembered a passage in the writings of a clergyman whose name was still held in honour —the Rev. Cæsar Otway. Mr. Otway visited the Rev. Mr. Maturin in this very village of Derryveagh. He described the magnificence of the scenery, the repose of the charming groves, the primitive innocence and simplicity of the poor people, who, and their fathers before them, had lived secluded from the world in these remote and secluded valleys. If it was desired to teach the Irish respect for law, and to break down the Ribbon conspiracy, it would certainly not be by excusing much less by sanctioning, wholesale exterminations. Mr. Burke once said that he must refuse to draw an indictment against a nation ; but Mr. Adair had executed judgment against all his tenants. And what lesson did he thereby teach the people of Ireland ? Was not the natural result this, that Ribbon conspirators would prevail upon many of them to enter into their ranks for the avowed purpose of protecting themselves against the landlords ? Or if they were forced to emigrate to America, they carried with them sentiments of hatred towards the British Government, which might operate some day greatly to our disadvantage. There never, perhaps, was a case of this kind which came more distinctly before Parliament ; and what he asked the House to do was to institute a searching inquiry into the whole matter. When the Motion then before the House had been disposed of, he should move for the appointment of a Select Committee for that purpose, to which, if the House agreed, he believed it would do much towards promoting justice and the peace of the country.

Mr. LONGFIELD said, hon Gentlemen on his side of the House, in listening to the very eloquent and somewhat irrelevant speech of the hon. Member for Youghal (Mr. Butt), from whose lips the words had fallen

"Strong, thick, and heavy, like a thunder shower."

were affected by feelings of a painful character, first at the fact that any landlord should feel it necessary to turn loose upon society so many individuals, and next on account of the circumstances which had led to those evictions, and which almost deprived Irish Members of the power of discussing the question calmly. He certainly was surprised at the quarter in which this Motion had originated, and he thought the attack on Mr. Adair might with more decency and decorum have proceeded from some other Member. A heap of documents had been furnished to him by Mr. Adair, showing how competent the hon. Member was to speak from experience of the profits to be acquired from clearing an estate, which, if he wanted to sell, would certainly be more valuable than if encumbered with tenants.

MR. VINCENT SCULLY: I must beg the hon. Member either to use papers or to refrain from doing so.

MR. SPEAKER: "Order, order."

MR. LONGFIELD said, he would pass from the quarter in which the Motion had originated to the Motion itself. If Mr. Adair had committed a crime, it would be punished first by the decision of the Lord Chancellor and by that of the Lord Lieutenant, as well as by the silent condemnation of his own acquaintances. But the proper tribunal had decided that there was nothing in his conduct calling for punishment, and the House, therefore, was now invited to pass unmitigated censure on his proceedings towards a population described as "mild and inoffensive." The sympathy in this case seemed rather misplaced. Not a word of rebuke or indignation was directed by hon. Gentlemen at the other side against that series of murders, which, on the contrary, were spoken of almost in the language of vindication by the hon. Member for Cork. The murder of Mr. Marshall, who was shot in noonday, and in the presence of hundreds, was made light of; he had only three or four small shot in him, it was stated; he was not killed dead, for he lingered till October. Such was the way in which an atrocious crime was spoken of. Not a word had been uttered about that inhuman murder of Murray, which in its every feature resembled the murder of Kennedy described by Scott in *Guy Mannering*. That the foul deed had been committed by several persons was proved by the marks of the struggle; the victim was hurled over a precipice, and a large stone thrown down upon him, and he was sorry to say that the persons engaged in the struggle were but too well known to everybody in the district. Other persons had been shot at or cut down. The first duty of an owner of property was to provide for those who had been entrusted to his care; but was it to be supposed that the contract was never to be put an end to, but that the parties, however evil their conduct, were to cling to the landlord for life? Perhaps this unfortunate district was the only one in which such extreme measures would be necessary to meet extreme and painful crimes. In Ireland, generally, crime was diminishing; and from north to south a better feeling was existing between landlord and tenant. He admitted that, owing to what was a natural mistake, Mr. Adair had perhaps coloured rather highly what he described as an armed attack. But, as he was in the exercise of a right when he met those armed men, and under the circumstances he thought that their object was that which he had stated it to be. There could be no doubt that the district in which these evictions took place was teeming with murders; and was a man to retain tenants where such murders had been committed, where such outrages had been perpetrated, and where illegal combinations existed? He thought that Mr. Adair was almost more to be pitied than censured. He thought that there never was so much done to excuse a fit of anger. The occurrence truly was one to be deplored; but it had received the consideration of Her Majesty's Government, and it must be left to public opinion to correct such acts, which were exceedingly rare, and which he hoped would become more so in consequence of the caus s that led to them becoming rarer still.

MR. M'MAHON said, that if hon. Gentlemen wished to maintain the rights of property they ought to keep a broad and clear distinction between the acts of humane, gentlemanly landlords, and those of mere land jobbers, who, with the rank and station of gentlemen, combined the feelings of bum-bailiffs. Mr. Adair, having acted in so inhuman and cruel a manner as to punish hundreds for the crime of one or two, was not a person to whom the Queen's commission as a magistrate ought to be intrusted.

CAPTAIN JERVIS said, he would not say a word in favour of Mr. Adair. The matter had been referred to the Lord Chancellor, who had decided that the case was not one in which further inquiry was necessary; and he thought it very extraordinary that the House should form itself into a court of justice to review what the Lord Chancellor had decided. But, in contradiction to the happy and blessed state of things which was represented as existing in this part of Donegal, he wished to call the attention of the House to the Report of a Committee which sat three or four years ago, giving the names of the owners of between 600 and 700 sheep, destroyed in the course of a few months within four miles of this very place. The Roman Catholic Bishop was not likely to exaggerate the misconduct of the people, and in an address to them, alluding to the destruction of the sheep, he said—

> "You have not discontinued your murderous conduct, but I understand you have continued it ever since I was here last. If any one has told you that the priest can absolve you from this great sin, he has grossly deceived you. The Almighty has never delegated such a power to man, and unless you make restitution you can never get absolution. England has sent an army to the Crimea and conquered Russia. She has sent an army to China and conquered the Chinese; and do you think that the small corner of a parish in the county of Donegal can stand up and oppose the law of England?"

The New Zealanders might be spoken to in the same language as was addressed to these highly civilized and peaceable inhabitants of a small corner of Donegal. There was a great difference between bringing forward this Motion and opposing it. An Irish Member who brought forward such a Motion gained popularity with the lower class of the £10 voters, but one who opposed it lost their support. The greatest credit, therefore, ought to be given to the hon. Member for Donegal (Mr. Conolly) for the manly manner in which he had spoken out to-night upon this subject.

Mr. MAGUIRE said, the hon. and gallant Member had read a long list of the sheep killed, but he did not say that Mr. Adair had, through his steward, applied for compensation for them, or that on the first inquiry before the magistrates it was distinctly proved that the sheep were not murdered by the people, but starved on the mountains. Mr. Adair was represented as a benefactor to these wild Ashantees; but what was the fact? The sheep on the mountains cost 6*s.* each, and the magistrates of the county of Donegal awarded him for each the sum of 30*s.*; so that this was an admirable speculation, and one provocative of perjury. No doubt Bishop M'Geltigan made the speech alluded to; but he was almost in his dotage, and in the following year, upon the very same platform, he retracted what he had before said, and expressed his belief that the people were not guilty of these outrages. If the hon. and gallant Gentleman quoted from this old Bishop again, he would refer him to his second speech, and tell him the date of the *Dublin Evening Post* in which it was published. Was there, then, any justification for the belief that the people murdered Mr. Murray? He abhorred outrage and loathed murder, and would do everything to crush those crimes; but it was quite a different thing to encourage a system which was a challenge to the ignorant and passionate. It was a matter of notoriety—and the hon. Member for Cork had alluded to the circumstance—that there was one man in Donegal who was openly suspected of the crime. Whether he was guilty or not was a matter between God and himself, but it was a curious fact that this man wore the dead man's clothes at his funeral, that he was extremely intimate with the dead man's wife, and that the wife was very much interested in getting him out of gaol. If it transpired that the struggle originated in jealousy, that a shot was fired in self defence, and that the man's death was the result of the deadly struggle—if that should turn out to be the case, either by a death-bed confession or in some other way, what would Mr. Adair think of himself for having sacrificed 244 people on the suspicion of being parties to the murder? The statement of the hon. Member for Cork had been in no way disproved. A more fearful doctrine could not be laid down than that because a crime had been committed on an estate, and the perpetrator not found out, every human being on that estate should be sent adrift. Mr. Adair, by throwing 244 people helpless upon the world, had been guilty before God and man of a great outrage and a great wrong. Did Lord Derby carry out his threat to evict a portion of his territory in Ireland? No. The representative of an ancient aristocracy, with naturally strong views of the rights of landlords, held his hand, and did not carry out his threat; but this Mr. Adair—a mere interloper in the country—a mere land-jobber who ought to sympathize with the tenant class, because he had sprung from them, ruthlessly turned 244 persons on the world because he chose to suspect that one of them had committed a murder. This gentleman had stood as a candidate upon the hustings in favour of tenant right and as a friend of the poor, but he (Mr. Maguire) thanked God they had not a practical exhibition of his detestable hypocrisy in that House.

Mr. CARDWELL said, that though the case which had been brought under the consideration of the House was a most painful one, and involved some of the gravest questions which could interest a country circumstanced like Ireland, yet the point which the House had to decide was very narrow, namely, whether the Crown had neglected its duty in not superseding Mr. Adair from his position in the commission of the peace. He could assure the hon. and learned Member for Cork that it was far from his intention to meet him with a technical plea that the matter was beyond the province of the House. If the servants of the Crown had neglected their duty it never could be pleaded that it was not the business of the House of Commons to take the matter into their consideration. On a former occasion he stated that Her Majesty's Government had come to the conclusion that this was not a case in which they would be justified in removing Mr. Adair from the commission of the peace, and he remained of the same opinion. The hon. Member for Donegal (Mr. Conolly) had given the House a narrative of painful interest — a recital of crimes showing a strong conspiracy in a particular district of Donegal, and had quoted a judgment delivered by Baron Pennefather in 1857. There could be nothing more dreadful than the existence of a secret, organized conspiracy, or the terror that such a conspiracy must excite among the persons within its influence—interfering with the law and preventing the due administration of justice. He was happy to say that, owing to the combined efforts of the authorities and of the clergy of all Churches, a great improvement had been effected since the address of Baron Pennefather. A check had been given to Ribbonism; yet it could not be said that Ribbonism was extinct. During the last few years there had occurred the firing at Mr. Dickson and the murder of Murray; in both which cases no conviction had taken place. Such was the state of things when Mr. Adair came into possession of his Donegal property. The state of the case, so far as Mr. Adair was concerned, was that he had bought four several and coterminous properties. Since that time he had found himself, more or less, in conflict with his neighbours and those who occupied under him. In the first case Mr. Adair represented himself to have come in contact with an armed party on the hill side. He could not agree that this was a correct description by Mr. Adair of the occurrence, because the bills preferred by him were ignored, and it appeared afterwards upon a trial that it was a contest as to the right of sporting, which was ultimately settled by agreement between the parties, and by Mr. Adair purchasing the claims and standing in the position of Mr. Johnston. Mr. Adair subsequently gave notice of ejectments against 244 persons in Derryveagh, and still more numerous notices at Garvan. The reason alleged was that the ground was about to be cleared, for the purpose of arranging a new mode of cultivation, which would be for the benefit both of the landlord and the occupier. Matters thus remained until November in last year, the period of the murder of Murray. He regretted that the hon. Member for Cork, whose labour in getting up this case, and whose candour in making him acquainted with the facts he felt bound to acknowledge—had felt himself at liberty to point a suspicion of the crime of murder in the House of Commons against any individual in regard to whom the authorities, after full consideration, had not felt it their duty to prefer a criminal charge, and whose innocence was quite unimpeached. The murder of Murray, so far as he could learn, was the act of two, and only of two, persons. The proof was that when the police went to view the body they discovered traces both of Murray's footsteps and the footsteps of two other men—one wearing shoes and the other barefooted. A struggle had taken place between Murray and these two men, who killed him with a stone that was found there. The hon. Member for Cork commenced his speech by changing the issue from that which he offered to the House on a former occasion. [Mr. SCULLY: No!] He understood the hon. Member to say that he did not state that the Executive Government would have been justified in removing that gentleman from the commission of the peace for acts that the Executive Government might not approve, but which were strictly legal in the exercise of his private property. The hon. Member, however, now put forward as the ground for removing Mr. Adair from the commission, that he had charged the inhabitants of the district with a participation in serious crimes, including murder, which he could not sustain against them. It was unnecessay for him to enter into the charges relative to the poisoning of the dogs, to the fire at Mr. Mathurin's, to the case of the jurymen, and other particulars. They were introduced into the discussion, if he understood right, in order to show that Mr. Adair had brought several charges of crime against his neighbours, including that of murder, which were not substantiated. He had no hesitation in saying that he did not agree in the opinion expressed by Mr. Adair that these were plain and manifest proofs of a malicious determination on the part of the people against him. He supposed they had been introduced into the discussion for the purpose of showing that Mr. Adair's general conduct was such as to have warranted the Government in superseding him in his office of magistrate. This, however, was not the question. So far as he knew, there was no proof that the murderer of Murray was within the general cognizance of a large community. In the early part of this year Mr. Adair attended at Dublin Castle and furnished to the Government the notification usual in cases of eviction. He stated that he was about to remove 47 families, numbering altogether 244 persons, in consequence of the murder of Murray more particularly. He also adduced the other circumstances to which allusion had been made in his justification. The Government of his noble Friend (the Earl of Carlisle) deeply regretted to hear that information, and communicated their opinion to Mr. Adair in a letter, which had been laid upon the table. He fully concurred in regretting Mr. Adair's determination, for he could not but think the removal of 47 families and 244 persons involved in one common calamity the aged and the young, the female and the male, those who had no participation in such a crime with those who might or might not have been guilty. The question was not, however, whether the Government regretted Mr. Adair's determination or gave him a warning against it, but whether or not the act was such as to justify the Government in removing Mr. Adair from the commission of the peace? That was one of the most important questions that could be considered, either by the Government or the House. What was the position of a justice of the peace? Had they all been wrong hitherto in maintaining that it was of the utmost importance that the magistracy should be independent of the Government, and not, as *Blackstone* had expressed it, the "mere tools of office?" But how could the independence of the magistracy be maintained if they were liable to be removed, not on account of the illegality of their acts in any exercise of the law which their commission empowered them to enforce, but because, acting within the limits of their own private rights, they did not act entirely to the satisfaction of the Government? The question was not whether a magistrate satisfied the Government in the exercise of his private rights, but whether he was acting within the limits of those private rights. It would be most dangerous if such a principle were laid down; and he said now, as on a former occasion, that when it appeared that Mr. Adair was not charged with any violation of the law, but that in what he had done he had acted within the limits of his legal rights, the Government would not have been justified in superseding him from the commission of the peace. His hon. Friend (Mr. Vincent Scully) seemed to have felt the cogency of this argument, and, therefore, proposed to shift the issue at the beginning of his speech, and asked for Mr. Adair's removal on the ground that he had made statements which could not be sustained. His hon. Friend said that Mr. Adair had represented that a previous proprietor of his estate was murdered. Well, a previous proprietor of Garton was murdered. Again, Mr. Adair stated that he was attacked by an armed party on the hills. Well, Mr. Adair was attacked; and, though he (Mr. Cardwell) did not approve the version given of the case, yet he put it to the House whether it was possible to remove a gentleman from the commission of the peace because, in describing a transaction, he arrived at conclusions which did not appear to be justified by all the circumstances of the case. Let the House reverse the proposition, and suppose that the Irish Government had removed this gentleman from the commission of the peace, and that when challenged for the reason they had no better answer to give than that, though the gentleman had acted legally in the discharge of his private rights, yet he had acted in a manner which, in their judgment, was not to be approved, and in giving a description of a past transaction had drawn conclusions which were, perhaps, different from those warranted by the circumstances. It would have been impossible to vindicate the removal of Mr. Adair on either of these grounds. He had shown, then, that the hon. Member for Cork had changed the issue; but he feared the hon. Gentleman did not feel quite safe with that concession, for the hon. and learned Member for Youghal went still further, and expressed a hope that a Motion for a general inquiry would be carried in preference to the proposition now before the House—thus again changing the issue. He (Mr. Cardwell) must, however, say that after a Motion of this kind had been so long before the House, it was right that it should be disposed of by the House. If the House thought that the Government had neglected their duty in not removing Mr. Adair from the commission of the peace, it would affirm the Amendment of the hon. Member for Cork; and if, on the contrary, it thought that it would be better to go on with the Motion for Supply, it would then negative the Amendment. He could not consent, after this question had been given notice of, and had been fully discussed, that the House should do otherwise than pronounce an opinion upon it. Feeling as he did with regard to the removal of 47 families and 244 persons from their homes, for a crime in which it was not proved that any one of them had taken part, and in which it was improbable that the whole could have been concerned as conspirators, he said that the warning given to Mr. Adair by the Irish Government was a right and proper warning, and he regretted that it had not been acted on by Mr. Adair; but that circumstance formed no ground on which the Government could have defended themselves in that House if they had been charged with the unconstitutional removal of a justice from the commission of the peace. Under these circumstances he felt satisfied that the House would negative the Amendment.

Lord CLAUD HAMILTON thought it was the wish of the House that this question should come to a conclusion; but he could not allow an observation made use of by the hon. Member for Dungarvan (Mr. Maguire) to pass unnoticed. The hon. Member had expressed deep sympathy for the bereaved family of Mr. Murray, but had at the same time accused Mrs. Murray of adultery with her husband's murderer.

Mr. MAGUIRE: I merely stated that there was a strong suspicion in the county to that effect.

Lord CLAUD HAMILTON thought that, however excited his hon. Friend's feelings might have been as to Mr. Adair's conduct as a landlord, he should not have been led to repeat such an appalling, degrading, and frightful charge, however humble the circumstances of the person so charged might be. That charge had been investigated several times, and not by resident magistrates—not by the landlords who might be thought by some to be joined together in a conspiracy upon the subject—but it had been fully investigated, and Mrs. Murray's innocence had been established by conclusive evidence. The humbler classes in Ireland dwelt, in many cases, in but one cabin, and that was the whole origin of the appalling story which, he regretted to say, would now be spread throughout the land, in consequence of the unfortunate allusion of his hon. Friend. The origin of the story was this—that inasmuch as this poor woman's health was upset by the shock occasioned by her husband's murder, she did invite her sister, her own brother, and the shepherd, against whom the charge was made, to go to her, and remain with her all night, and those who knew the district would not be surprised that in its then excited state she should have taken these measures for her protection. He apologized to the House for having taken up their time; but trusted they would agree with him that the low social position of this poor woman was no reason why her character should be assailed and her misery added to by this awful allegation.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Mr. SPEAKER having put the Question, declared the Amendment negatived.

Mr. BUTT said the Noes have it.

Mr. SPEAKER observed that, as no hon. Member had given his voice in the negative when the Question was put, there could not exist any doubt as to the decision of the House, and there was nothing to divide upon.

Mr. BUTT believed that the Question proposed by the hon. Member for Cork vitally affected the interest and peace of Ireland, and he therefore begged leave to give notice—[*Cries of* "Order!"]

Mr. SPEAKER informed the hon. Member that the present was not the time to give a Notice. The business-paper contained the names of several Gentlemen who proposed to bring different matters under the consideration of the House, and the hon. Member could not now interrupt the course of proceedings by giving a Notice.

VOTES ON ACCOUNT.—RESOLUTION.

Mr. AUGUSTUS SMITH said, he rose to move, That it is the opinion of this House that the practice of voting sums on account, especially so late in the Session, is inexpedient, and that instead of voting sums on account, Votes should be taken on the whole sums given in the

Estimates on those items on which the balances in credit are deficient. The hon. Member said that Parliament had already been sitting upwards of four months, and yet the Civil Service Estimates, which was one of the most important, if not the most important of all the Estimates submitted for the consideration of the House, had not been fairly brought before them, although Votes on account had been asked for and granted; and he feared that if they allowed the Government to take the Vote of Credit for which they were about to ask, the Civil Service Estimates would not come on till it was too late in the Session for them to be discussed with any effect. If there ever was a Session in which they ought to have given deliberate consideration to the Civil Service Estimates it was the present, for they had had no measure of great importance to engross their attention. Those measures which had been brought forward and which were likely to lead to discussion had disappeared one after another, and the Government measures of importance were very few. Further than this, every facility had been given to the Government for expediting their business; the rules of the House had been so far altered as to give them every possible assistance; and yet they had several "counts out" when the Government might have maintained a House for the Motions of private Members upon the occasions appropriated to them; and the Government had already commenced morning sittings. If it had not been for these "counts out" they might have already been far advanced in the consideration of these Estimates, which involved many important matters, including the great question of education, the various public works, the questions connected with prisons and convict establishments, and a variety of other subjects which would suggest themselves to the minds of hon. Members as subjects requiring discussion. When they remembered the enormous increase that had taken place in these Estimates of late years, when they remembered how fertile a theme that increase had proved for denunciations of hon. Gentlemen both on the hustings and in that House, and when they rembered the accusation of the Chancellor of the Exchequer against that House of the reckless extravagance of the public expenditure, it seemed to him absurd that they should support that cry and yet take no proper steps for remedying the evil. It had been said that Parliament could do little, and the noble Lord the Member for the City of London had said sneeringly once, that it had always been the practice to pass the Civil Service Estimates as a matter of course. But though the savings that Parliament had been able to effect might be small, yet they entered into a discussion of the items, and thus checked the extravagance of the Government. A rather dangerous doctrine had been promulgated that these items should be taken upon the responsibity of the Government; but the responsibility rested upon the House, and if they accused a Minister of past extravagance the reply would be that the House of Commons examined and adopted the Estimates, and was, therefore, responsible for the extravagance. The Secretary to the Treasury said it was absolutely necessary that this Vote should be taken, because the quarter day was nearly approaching, and money would be wanted to meet the demands that would then become due. But the departments generally had balances in hand amounting to a quarter of the annual expenditure. They were asked to vote £10,000 on account for the Treasury, he whole expenditure for the year being £53,000, and the balance in hand being £15,900. The Board of Trade had in like manner a balance in hand of £19,000, and so he might go on with the other Departments. Under these circumstances he begged to move the Resolution of which he had given notice.

MR. SPEAKER said, the hon. Gentleman could not now make a Motion, because the House had already decided that the words, "that the Speaker do now leave the chair," should stand part of the question.

MR. AUGUSTUS SMITH hoped that, under those circumstances, the Government would not proceed with the Civil Service Estimates to night, but would go on with the Army Estimates.

REINFORCEMENTS FOR CANADA.

OBSERVATION.

SIR JAMES FERGUSSON rose to call the attention of the House to the subject of which he had given notice, and on which he had already attempted to address the House, namely, the recent augmentation of the military force in Canada. The hon. Baronet said, that the occasion was a somewhat pressing one, because he had learnt, since coming down to the House, that the troops were ordered to sail to-morrow. The simple fact that so large a force as 3,000 men was about to be sent to Canada was itself rather unusual, but there was something in the manner in which the reinforcement was to be despatched which rendered it still more remarkable, and afforded great reason for requiring an explanation of the Government in reference to the matter. He might state at the outset that, in his opinion, the merits of the dispute which unhappily existed in the United States of America had nothing to do with the question to which he wished to call the attention of the House. The House had already expressed its opinion that abstinence from all discussion upon the state of affairs in America would be the most becoming and prudent course to pursue, and he was happy to say that such discussions were entirely foreign to the subject upon which he desired to make a few remarks. At the same time, he thought that the step which the Government had taken was very likely to interfere with that resolution to abstain from all share in the unfortunate contentions in America, because it would be regarded as taken from a feeling of uneasiness springing to some extent from the state of things in the United States ; at all events, occurring at such a moment, it was a matter on which the House had a right to ask and the Government ought to give an explanation. But that to which he wished particularly to call attention was the manner in which the expedition was about to be despatched. It was to be despatched in hot haste in a very ostentatious manner, in the largest and fastest vessel which this country had ever possessed. It was not to be sent out in the ordinary way in the transports belonging to the public service, or in the numerous steam frigates which crowded our ports; but the Government had considered it necessary to engage the *Great Eastern* for the purpose. When a force, which partook much more of the character of an expedition than of that of an ordinary relief, was sent to a distant part of the world the House might fairly ask upon what grounds such a step was taken. So decided and conspicuous a measure should not be adopted unless there was either a great object to be attained or a great danger to be averted ; and, therefore, he had no hesitation in asking the Government why so large an expedition was being so hastily despatched to Canada ? In former times even larger expeditions had been sent to British provinces, but they had always been intended either to guard against foreign aggression or to repel internal disturbance. During the rebellion in Canada a large force was sent out to that country, and it was happily instrumental to some extent in restoring peace ; but he believed there was nothing in the present state of affairs on either side of the frontier that would justify so remarkable a step as that which the Government had taken. The position of Canada was certainly a difficult and even dangerous and exposed one. Canada had a long and vulnerable frontier, and on the other side of that frontier there was a great and high-spirited people in the most excited state, and, as he yet hoped, only in imminent peril of being plunged into a civil war. At such a time, and in a country where, as in the United States, there was the utmost freedom of expression of public opinion, and where there was an exaggerated and even intemperate tone adopted, by both writers and speakers, there must naturally be a disposition to look with jealousy upon the conduct of Foreign Powers. Abstinence from partisanship might be interpreted into aversion or concealed hostility, and we could not wonder that expressions should be used by writers and repeated in the United States which certainly would be alarming if used in any other country, or at any other time. He could not think, however, that at such a moment, and in consequence of any such expressions written or spoken, a step so momentous as that which the Government had taken befitted so great a Power as England. In the presence of such manifestations, the attitude of a great Power should be one of conciliation and of confidence. If we were to gain any advantage from the increase of our naval and military establishments, it ought to be at a time like this when we ought to feel ourselves too strong to think it worth while to notice such intemperate language as had appeared in the public press of America, or of any other country. We should remain calmly in the power of honest and absolute neutrality, instead of doing that which would bespeak alarm in placing a corps of observation, and even of defiance, on the frontier of a neighbouring State. Such a course might be considered in the United States as symptomatic of a consciousness of weakness ; and at any rate was calculated to excite most serious apprehensions, because it must be considered as partaking more of the nature of a challenge than of caution. The question might be asked, when a force of 3,000 men, complete in its various arms, was despatched to Canada, whether there was any actual fear of invasion from the United States? If so, surely to guard a frontier of such extent as that separating Canada from the United States, a force of 3,000 men would be an absolute misapplication of our military strength. Those who were well acquainted with that frontier entertained the opinion that its proper protection would be gunboats on the lakes, not men scattered in small numbers and at distant points on the land. But, although it might be some time before the Committee to whom the question had been remitted would report, there was a feeling in the House with respect to colonial military establishments that, beyond garrisoning the great fortresses of Canada, this country ought not to be called on to contribute to the military expenses of the colonies. If it were said that this force was intended to complete the garrisons of Canada—perhaps only the large fortified town of Quebec—he thought they might fairly ask why the military force to which had been intrusted the guardianship of that fortress had been allowed to fall so low that it was necessary to send out reinforcements in such hot haste and to such an extent as already to double the force in that colony? There was a second class of causes that might render such a force necessary—if there was any likelihood of internal disturbances in Canada. There were, undoubtedly, distinct and separate races in Canada, and in former times there were discords between parties and races; but he certainly did not expect that at the present moment these discords were likely to break out, or that there was a probability of any such exhibition of feeling not most loyal towards this country, which should induce the Government to send out so considerable a force. On the other hand, he thought the conspicuous loyalty expressed by the whole Canadian population towards the Sovereign of this country, and the country generally, on the recent happy occasion of the visit of the Prince of Wales, ought to show that if there was a dependency of Great Britain on which we might most confidently rely as not likely to embarrass this country by any expression of bad feeling towards their neighbours, or by sympathizing with either party in the civil war in the United States, it was the province of Canada. If such a feeling did exist it would be a great mistake to think that it was by force of arms, far less by virtue of so small a force, that we could hope to retain that colony. He believed the improved feeling which subsisted between Canada and this country was the result not of the strength of the Imperial Government, but of those ties of kindred which had been strengthened by the gift of institutions similar to our own, the consciousness of self-government, the absence of any undue control over colonial affairs, the healthy growth of the free institutions of this country transplanted to a kindly soil. He believed that it was an error to suppose that Canada was likely to be disloyal; and it would be an error still more grave to think that the United States would take any step insulting to the Canadas or hostile to our interests, which would render it necessary for us to increase so strongly our garrisons in that province. It might be that rash partizans or mobs might make an incursion over the frontier, but they would be discouraged alike by the Americans and Canadians; and surely we had Militia and Volunteers perfectly able to keep off such intruders till the regular troops could assist them. He believed it would not be prudent to leave the garrisons in Canada not reinforced during winter; but in summer, while Quebec was so easy of access, he could not see why they should send out in so ostentatious a manner so large a force as 3,000 men. There was another matter on which he would only speak with the greatest delicacy and reserve. Every one acquainted with Canada, or who had spoken to officers quartered there, knew how great were the temptations to which British soldiers were exposed in that colony. The Government, he hoped, had sufficiently weighed this very serious consideration when they contemplated despatching this force. If temptation at any time was held out to British soldiers to be unfaithful to their colours, how much more danger was there when every trained soldier was worth his weight almost in gold in the United States, looking more especially to the mere pittance left him after paying for his rations? He hoped, under these circumstances the Government would do something to make the British soldier feel that he had what would make him remain faithful to his regiment. This would not take much, for the British soldier was most sensible of kindness. What he suggested was, that while in Canada regiments might have free rations, and that the men when off duty might be allowed to work at their trades and assist at the harvest. He was quite aware that it was a matter of great delicacy to interfere with the disposition of Her Majesty's troops, but he thought the House had a right to demand explanations with reference to the despatch of these 3,000 men to Canada, because it might—though he trusted it would not—lead to suspicion and difficulty with a country with which it was beyond all important that we should remain at peace; it might have an effect damaging to the army, and produce a feeling of apprehension and dissatisfaction among the loyal inhabitants of Canada.

VISCOUNT PALMERSTON: Sir, I can have no difficulty in answering the question of the hon. and gallant Officer, though I must say that I was surprised at some of the arguments which he adduced, especially considering the profession to which he belongs. I should not have expected those insinuations against the fidelity of our soldiers to have come from the mouth of a gentleman belonging to that service. I entertain no such apprehensions as he has expressed. I am persuaded that the imputations which have been cast on the British soldier are entirely unfounded. The hon. and gallant Gentleman has asked several questions which he himself answered in subsequent parts of his speech. He talked at one moment of this large expedition—this momentous measure—and at another moment he treated the force sent out of 3,000 men as insignificant and utterly insufficient for any purpose. Now, I really should wish him to tell us which of these two statements he intends to abide by?—whether he actually regards it as a momentous and large force, or as a very small and insignificant one? He also said there can be but two motives for which the force is despatched—namely, either to guard against an attack from the Americans and to interfere in the war now going on, or else for the purpose of suppressing disturbances in Canada. The hon. and gallant Gentleman has given a reply to all these suppositions. He told us that there is no apprehension whatever of an attack from the Americans; he told us that the Government have pledged themselves and the country to maintain a neutrality; and he entered into a very eloquent and well-deserved panegyric of the loyalty which prevails in every part of our North American provinces. Well, I concur in all those assertions. Undoubtedly, we have no reason to suppose that the Northern States of America would commit such an act of folly as to add a contest with us to the internal contest in which they are at present engaged. Her Majesty's Government have professed in the most solemn and public manner their intention to abstain from taking any part in the dispute now unfortunately subsisting between the Northern and Southern States. We rely implicitly on the loyalty of the people of Canada of all races—a loyalty that was manifested in the most unequivocal manner during the visit of the Prince of Wales to those provinces. Therefore, none of those reasons could be the occasion for sending a large force to Canada, the despatch of which would be a momentous measure. But it is the ordinary practice of all Governments in all parts of the world, when war breaks out and great military operations are commenced in neighbouring States, to take the small and usual precaution of strengthening in some degree their military force in that portion of their territory which is in closest proximity to the scene of hostilities. That is an ordinary precaution, the neglect of which would be blameable in those who are answerable for the interests of the country; and that we have not gone beyond that reasonable limit is proved by the hon. and gallant Member's own description of this force in the latter part of his speech as a very small one. It is a very small force; and to talk of 3,000 men being a large and momentous expedition is, I must say, an amount of exaggeration hardly to have been expected from a military officer of so much knowledge and experience as the hon. and gallant Gentleman. Well, if we have sent out only that small reinforcement—which, according to his own statement, was necessary in common prudence, because he himself complained that the garrisons of Quebec and Montreal had been brought down too low by former operations—then the question arises whether they have been sent out at the proper time and in the proper manner. The hon. and gallant Member admitted that reinforcements ought to be despatched. He said it was impossible to leave those garrisons the winter through as they have lately been, and he added that reinforcements could not be sent out in winter, but must go in summer. Well, we are sending them out in summer; and why does the hon. and gallant Gentleman complain? One thing that he said certainly a little surprised me. On former occasions we have heard complaints made that troops have been provided with insufficient means of transport, and have consequently suffered hardships and been detained too long on the passage, and the Government has been blamed for such bad arrangements. But the complaint of the hon. and gallant Gentleman now is that we send out these troops in one of the fastest vessels that can be found; that we send them out in a ship large enough to ensure their perfect comfort, and to obviate those evils which too often result from the employment of numerous small vessels for such a purpose; that, in point of fact, we have abridged the length of the voyage as much as we could, and that we have despatched them in such a manner that they will reach their destination with the least possible inconvenience and suffering. Well, I should really have thought that a military officer would have given us credit for that instead of making it a topic of censure. I have only now to say that the measure we have adopted indicates no intention whatever to take any part in the unfortunate differences now prevailing among our relatives—for I may so call them—in the United States; that it indicates no suspicion whatever of the true and undoubted loyalty of Her Majesty's subjects in our North American dominions; that it is designed solely for the purpose of making those precautionary arrangements which are essential in a country that is contiguous to another country in which disturbances exist; that we have carried it out in the manner best calculated to spare the troops any inconvenience which a sea passage too often produces; and that we trust, when they arrive in Canada, they will behave with that loyalty for which the hon. and gallant Member does not seem to give them credit, but which I am persuaded the British soldier will on all occasions exhibit.

SIR JAMES FERGUSSON wished to explain. The noble Lord had asked him whether he meant that the force was too large or too small—because he had stated that it was both? What he had said was that the force was too small for any serious guarding of the frontier, but very large compared with the ordinary establishment there.

Mr. DISRAELI:—Sir, I am far from wishing to encourage a discussion of this nature; but I am not at all surprised that my hon. and gallant Friend should call the attention of the House to the departure of certainly a considerable body of troops from this country. I should not, however, have risen but for the remarks of the noble Lord, which were ingenious enough as matters of Parliamentary reply, but which, nevertheless, do not appear to be of so satisfactory a nature as could be wished. Because, after all, what is the character of this operation? The noble Lord has made a number of observations in answer to those of my hon. and gallant Friend, but he has not once touched the real point—namely, the policy of that operation, which is really what at the present moment engages the attention of the country. If those disturbances had not taken places in the United States would these 3,000 men have been sent to Canada? That is the question we are to consider, and we cannot be diverted from the real point by observations on the season of the year and all the other plausible superficialities with which the noble Lord has treated us. If the disturbances had not taken place in the United States, I repeat, would these troops have been sent from this country? If they are sent in consequence of the disturbances in the United States, what is the purpose for which they are sent? Is it to guard the frontier or to increase the garrisons? If to guard the frontier, are they sufficient for that object? If to increase the garrisons, are they necessary? These are very plain questions, and I did not discover any satisfactory reply to them in the speech of the noble Lord. I am bound to say that I view the step taken by the Government with anxiety, and not with approbation. It is a step of very great importance. The noble Lord says you cannot call this an expedition. Well, there have been expeditions not much more considerable in number sent from this country for very great objects — for example, the expedition to Portugal, which did not consist of more than 5,000 troops — and which are often referred to in this House as important historical events. So the departure of these 3,000 men for Canada, may hereafter occupy a much more important place in history than the noble Lord, or perhaps any of his colleagues at the present moment contemplate. I must say that I think it a very serious measure, and that the Government have incurred a very grave responsibility indeed. I do not, at this moment, clearly see what is the object of the despatch of these troops. Dismissing from our minds the disturbances in the United States, I do not see the necessity of this operation; and if those disturbances are its cause, then we have to consider an act of very grave policy on the part of the Government. The noble Lord will not regard it in that light, but I am bound to say that, if brought before this House, it is our duty to regard it in that light. It is possible, if these disturbances spread and greatly prevail in the United States, that there may be outrages on our Canadian frontier. I can conceive that there may be violations of our frontier and acts of outrage committed by subjects of the American Government. But are there no inhabitants in Canada—are there not a numerous and gallant people there, accustomed to military discipline? Surely in a moment of emergency, with that sense of responsibility which all free men have, the inhabitants of Canada would be adequate to the occasion, would be able to depend on their own energies, and would not require the despatch of these 3,000 troops to set them an example. On the other hand, I should say that, taking this early opportunity of letting the people of Canada know that we are prepared to assume the monopoly of defending them, is rather calculated to damp their ardour and make them feel that it is not their business to protect their hearths and homes and national honour, and that they may pursue their profitable callings without coming forward in an exigency of this character. In that view I think this proceeding unwise. But supposing these disturbances in the United States are not the cause of the despatch of these troops, the step clearly was not necessary to strengthen the garrisons. The garrisons are at that pitch of strength at which, upon the whole, and after due experience, it was the opinion of Parliament and of this country that they should be maintained. The whole tone and tendency of our policy of late years, and certainly in the present year, as shown by a vote when Parliament first met was that no increase of military expenditure, especially in respect to our colonies, should take place. Put it as you may, it comes to this—that this is an act of policy on the part of Her Majesty's Government. It can be viewed in no other light than an act of policy adopted in consequence of the disturbances in the United States. But is it an act of sound and wise policy? I have very great doubts as to its wisdom or its soundness; and we must come to an opinion upon the point in this manner. Every one will dismiss immediately the idea that the transmission of 3,000 of Her Majesty's troops is an adequate means for preventing or baffling an invasion of Canada by the United States. That is out of the question. Gallant as our troops are, and little inclined as I am to believe that we may lose their services by other causes than the chances of war—although I think my gallant Friend was justified in alluding with delicacy and reserve to what we know from experience of former disturbances in Canada was the unfortunate result of the position of our army—still, gallant as our troops are, no one can pretend that such a force as this could be sufficient to prevent or to defeat an invasion of Canada by the United States. What, then, will be the effect of this act, apparently hostile, upon the temper of the Government and people of the United States? I do not say that we should do anything unbecoming our position or the doctrines which I think have been wisely and soundly laid down of neutrality in our relations with the Government of the United States during these disturbances; but we should do nothing wantonly to infuse into their minds the idea that there is any suspicion on the part of our Government as to their conduct, and that, therefore, the Government of this country is looking to ulterior consequences and making preparations for future misunderstandings and perhaps war. The only inference they will draw from our sending a body of troops—an expedition which is not powerful enough to defend the frontier nor necessary to increase the garrisons of the town—the only inference will be that there is on the part of the English Cabinet suspicion and fear, and a preparation for hostilities which may be contingent with the United States. I say that is unwise, and I hope such is not the opinion of the British Government, and I will cheerfully believe that it is not their opinion that such a contingency is probable; but, if their opinion should be otherwise, then I say it would not be wise nor politic to intimate that opinion in this manner, but rather they should prepare for such a sad contingency at a proper time, and take proper means by which the honour and interests of this country should be vindicated. When the noble Lord boasts of the promptitude with which the Government have availed themselves of the new means which science and skill have placed at their disposal, which enables the British Government to transmit in a short time a numerous force to the other side of the Atlantic, he must remember that the same means will permit the British Ministry to repose in confidence without exhibiting any unnecessary apprehension which circumstances may eventually not justify, knowing that with these new means which science has placed at their disposal they can throw upon any given point an amount of force with a degree of promptitude which former Governments had not the power to do. At present, I confess, it seems to me that this movement has a fretful and a feverish character, and, whatever may be the opinion of the Government as to any ulterior consequences which may accrue to Canada from these unhappy disturbances in the United States, I think it would have been better if we had acted with more forbearance, and, until necessity forced us to do otherwise, if we had continued in that tone and spirit of colonial policy adopted by Parliament at the beginning of the Session, and, as I believe, approved by the country.

SPAIN AND MOROCCO.—QUESTION.

SIR ROBERT PEEL: Sir, in putting a question to the noble Lord the Secretary of State for the Foreign Department as to the critical state of affairs upon the coast of Morocco, I may be permitted to refer to the importance of the reply of the noble Lord, because it has been admitted by him, on the part of the Government, that this question is one of the greatest importance as affecting the interests of British trade generally, and more particularly in the neighbourhood of our great fortress of Gibraltar. At this late hour of the evening I shall not venture to trespass upon the patience of the House by any lengthened speech, but, perhaps, I may be permitted to qualify my remarks by one or two preliminary observations. It will be in the recollection of the House that when hostilities broke out between the Government of the Sultan of Morocco and that of the Queen of Spain, in consequence of hostile aggressions of the Moors against the fortresses of Melilla and Ceuta—which had been very much provoked by the attitude of the governors of those fortresses—Her Majesty's Government demanded in writing of the Spanish Government an assurance that when hostilities were concluded no occupation of any portion of the territory of Morocco west of Ceuta—nor, in fact, any portion whatever of the territory of Morocco—should be occupied as a guarantee for the payment of any indemnity which the Spanish Government might be inclined to demand for the payment of its war expenses. I think the British Government very wisely demanded that assurance, believing that the trade and commerce of the Mediterranean might be interfered with by the occupation of the opposite coast by Spain, and, moreover, that the interests of Gibraltar might be seriously affected by a successful conquest and the annexation by Spain of any portion of the territory of Morocco. The quarrel was got up in the most novel way imaginable—but I will not now enter into that. I will only say that nine-tenths of the trade of Morocco is in the hands of British subjects, and the cause of quarrel between Spain and Morocco was of the most futile character. The Spaniards extended their lines outside of Ceuta. A wild tribe in the neighbourhood removed the landmarks. The Spanish Government complained to the Government of Morocco, who yielded. The Spanish Government then made further demands and the Government of Morocco again yielded; and so it went on until at last the Government of Morocco told the other Powers of Europe and the British Minister that it was impossible for them to go on acceding to the propositions of the Spanish Government, and that if they were forced into war the responsibility must rest with the Spanish Government. Hostilities did break out, and the Spaniards were victorious. They lost 20,000 men in the course of a few months. They marched a few miles and a desultory warfare took place, but they succeeded in obtaining what they wanted—an indemnity in money—20,000,000 of piasters. The Government of Spain have already succeeded in getting 7,000,000 of piasters from the Government of Morocco; but the latter Government now say that it is impossible for them to go on paying these large sums of money; and then what does Spain do? The House will hardly believe it. There is at this moment an immense army collected in the south of Spain, and there is also prepared a large fleet or squadron, the commander-in-chief of which has visited the port of El Araiche and has threatened to occupy Mogador, which is the port of the capital of Morocco. There are numbers of British merchants not only in Mogador, but throughout the whole empire of Morocco—for, as I have said, nine-tenths of the trade of that country passes through British hands. I put it to the

House and to the Government whether this interference of the Spanish Government to compel the payment of the indemnity for Morocco is not likely to have a contrary effect, because it must disturb the whole position of the Government in that savage country and the payment of the ordinary revenues is interrupted. We find from the events of 1844, as well as from the occurrences of two years since, that directly an enemy's flag arrives off the coast there are certain barbarous tribes which rise for the purpose of plunder, and all trade is at once annihilated. I ask, if British merchants are entitled to that protection which the noble Lord assured the country would be given them in case of misconduct on the part of the Spanish Government, whether occasion for it does not now exist? The House would hardly credit the amount of force that has been collected by Spain. The noble Lord the Prime Minister just now, in his usual pleasant manner, sneered at what he called not a large expedition of 3,000 men; but what does the House think is the expedition which Spain has prepared against Morocco? There are 15,000 Spanish troops at this moment upon the coast of Africa. There are also 10,000 troops collected in the south of Andalusia, and the whole Spanish navy is in the waters of Algesiras, ready to act against the coast of Morocco, and get up a squabble with this country, perhaps at the instigation of a neighbour. The Governor of Gibraltar has visited the Spanish squadron at Algesiras, and has reported the excellence both of the ships and crews. Now, I wish to ask the noble Lord whether her Majesty's Government has at all interfered with the object of effecting a settlement of the dispute between Morocco and Spain? I have recently heard that Her Majesty's Government has made some proposition for an arrangement. A peaceful settlement of the dispute will be most satisfactory, and the noble Lord will gain great credit with all persons connected with the trade and commerce of that part of the world if he arrives at a satisfactory solution of the difficulty. I believe that the French Government has also offered its services for the same purpose; but it will be better if Her Majesty's Government, so excellently represented by our Minister at Tangier, Mr. Drummond Hay, can effect it unassisted. From the great influence Mr. Drummond Hay possesses in the Empire of Morocco, I believe, if he has the treatment of the matter, he will be able—if any man can—to bring it to a satisfactory conclusion. The noble Lord, before the commencement of the last war, obtained from the Spanish Government an assurance in writing, twice repeated, that on no account whatever would Spain even occupy any part of the coast of Morocco. I ask the noble Lord to hold Spain to that pledge, given in 1859, and not permit the Spanish Government, to the detriment of British trade, to occupy any portion of the Morocco coast. And I will ask the House if the Government of Spain is one that ought to attack the Empire of Morocco in the way it is doing? Because Morocco has not exactly kept a treaty, is Spain, therefore, justified in sending an enormous army to invade a State at this moment in convulsions? We know that the Spanish Government itself has not been so very strict in its adherence to treaties. The noble Lord at the head of the Government lately spoke of the disgraceful bad faith—those were his very words—of Spain in reference to her treaties with this country. England entered into an agreement with Spain for the suppression of the slave trade, and paid money to the Spanish Government for that purpose. Spain not only entered into a solemn engagement by treaty to suppress the slave trade, but received a sum of money to do it. What was the consequence? Spain took the money, but in every way fostered and propagated that infamous traffic. At this moment the Captain-Generalship of Cuba is the most lucrative appointment in the gift of any Government in the world—and why? On account of the head money levied by the Captain General for every slave imported into the colony. Spain, therefore, is not the Government that ought at once to proceed to such extremities against Morocco for the non-observance of a treaty. Again, has Spain always been so very punctual in her own money transactions? She is going to war on account of the non-fulfilment of a money contract by Morocco; but how has Spain acted towards the poor Spanish bondholders in this country? How does she treat them? I believe in 1834 the Spanish Government actually owed to British subjects no less than ninety millions sterling! How did it settle the claim? Did the British Government force Spain to pay the debt, as Spain is forcing Morocco? In 1834 a compromise was made, by which the debt was reduced 33 per cent, besides the loss of many years' interest. In 1850 another arrangement was made, and by an arbitrary act of the Government the interest on the debt was reduced from 5 to 3 per cent, with the confiscation of seven millions of interest overdue. Again, the House will recollect that last year the payment of a debt of £400,000 was required from Spain by the British Government; that sum had been due for twenty years; it was never demanded for twenty years; yet it was paid with the worst possible grace, and in Spain much ill feeling and ill blood was excited towards this country. I ask the noble Lord also to consider this: there is a system of annexation being pursued, not only by France, but by Spain, that requires his vigilant and active attention. The annexation of San Domingo is a most serious and dangerous precedent. We have heard no opinion from Her Majesty's Government on that subject. The noble Lord read the other night a despatch, in which Marshal O'Donnell told him that the slave trade is not to be introduced into that island. [Lord JOHN RUSSELL: No; not only not the slave trade but not slavery.] I am glad to hear it; but considering that Cuba is the hotbed of slavery and the slave trade, and that St. Domingo is only sixty miles distant, there is some danger of the traffic being extended to it. But now that the coast of Morocco is threatened by the Spanish Government I hope the noble Lord will give an assurance to the country, and to those British merchants through whose hands nearly the whole commerce of the country passes, that these Spanish forces will not arrive off the ports of Morocco and excite a feeling among the barbarous tribes that may cause them to make attacks on those towns. I hope the Spanish Government will be prepared to treat these questions in a generous spirit, and not press the Government of Morocco to extremities.

LORD JOHN RUSSELL: The question put by the hon. Baronet may be separated into two parts, and in replying to it I think it will be most convenient if I refrain from entering into the merits of the former war between Spain and Morocco, or into the question of the Cuban slave trade, and the manner in which Spain has fulfilled her engagements with respect to it with other Powers. With regard to the hon. Baronet's question referring to Morocco, I may state that the war between that empire and Spain was terminated by a treaty containing a stipulation that Morocco should pay to Spain an indemnity of 20,000,000 dollars and that, till 12,000,000 of that sum were paid Spain should continue to occupy part of the territory, including the city of Tetuan. In the course of time the engagements of that treaty have given rise to disputes and differences between the two countries. On the one hand the Government of Morocco states that the Moors, regarding Tetuan as a holy city, have become dissatisfied and disaffected at its occupation by a foreign and Christian Power. On the other hand, the Spanish Government complains of a want of good faith on the part of Morocco as to the payment of the indemnity. Her Majesty's Government have asked the Government of Spain what is the cause of its assembling these land and sea forces? The Spanish Government states that some of its troops in the territory of Morocco are surrounded by barbarous tribes, who are constantly breaking out into acts of violence, and that Morocco refuses to pay the instalments of the indemnity. They say they would have borne any delay in the payment of the debt, as they knew the Government of Morocco to be surrounded by difficulties, but what they will not tolerate is that Morocco should repudiate its obligations altogether, and refuse to pay the indemnity. On this explanation being given, Her Majesty's Government proffered its good offices to the Government of Spain with the view of obtaining a settlement of the dispute. At the same time we entered into communication with the Government of Morocco through Mr. Drummond Hay, to whose services the hon. Baronet has alluded. We have received from the Government of Morocco the assurance that nothing but its inability to raise the money at this moment has prevented it from paying the instalments of the indemnity, that the interruption of the payment is not the fault of the Government, nor is it caused by the want of inclination, but that the disturbed state of the country renders the Government unable at this moment to pay the 4,500,000 dollars that are due out of the 12,000,000 dollars of the stipulation. The Government of Spain, on its part, has accepted the good offices of Her Majesty's Government, and certain terms have been discussed between them. When those terms were sent out to Morocco Mr. Hay was desired to prepare himself to go to the Court of Morocco, if necessary. A message was received from the Sultan stating that it would be very agreeable to him if Mr.

Hay would proceed to his court; and it is believed that his presence there will have considerable effect. On the other hand, the Spanish Government appears quite willing to wait till the terms thus proposed have been considered by the Government of Morocco. And I must say that the Spanish Government has declared—and I believe with sincerity and truth—that the occupation of Tetuan by 15,000 troops is an inconvenience and a source of considerable expense; and that she would be glad to come to some terms by which they might hold some other security for the payment of the indemnity, or have the proceeds of the customs assigned to them. The Spanish Government are quite willing to consider any reasonable terms; but it is obvious that they cannot, consistently with the dignity of the Spanish nation, consent that the treaty, in which it is stipulated that a sum shall be paid by Morocco should not be carried out. I cannot deny that Spain has not always fulfilled her treaty obligations; but for my own part, I confess I look with satisfaction on the thriving resources and increasing prosperity of Spain, and I trust that our country and Spain may always be on terms of cordial friendship and alliance. If we can contribute in any way to prevent a new war breaking out between Spain and Morocco, I think that the good offices of Her Majesty's Government would be well bestowed on the effort.

Main Question put, and *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

House in Committee;
Mr. MASSEY in the Chair.

(In the Committee.)

Motion made, and Question proposed,

"That a sum not exceeding £811,300, be granted to Her Majesty, on account, for or towards defraying the Charge of the following Civil Services to the 31st day of March, 1862."

Mr. PEEL said, he thought that the hon. Gentleman behind him (Mr. A. Smith), who had expressed his belief that the Vote on account was completely unnecessary, would have done better had he allowed him first to state the reasons of the application. The hon. Gentleman was under a mistake in saying that the Estimates were accepted without scrutiny by the Treasury from the different departments that made up the Civil Service, and that the Government held that the House ought to receive them on the responsibility of the Executive. Her Majesty's Government had no objection to the Estimates being subjected to the closest scrutiny which the House could institute; and even his short experience at the Treasury enabled him to say that, when received from the different departments, they were subjected to a scrutiny only second in severity to that to which they were subjected in that House. The hon. Gentleman said that the effect of granting Votes on account would be to postpone to the end of the Sessions the consideration of these Estimates in detail; but if the hon. Gentleman would refer to the papers in the hands of hon. Members, he would find that the Vote proposed to be taken on account formed a very small proportion of the total amount required. The sum asked was exceedingly moderate, and was just sufficient to meet the payments that were immediately falling due. The hon. Gentleman was under the impression that the Government had large balances on hand on each of the Votes, applicable to the purposes for which money was now asked, and referred particularly to two Votes of last year, one in the Treasury and the other in the Foreign Department, of which he said there must be a considerable amount left over. From a return which he had obtained of the Exchequer balances on the 19th of June, he found that there was no balance upon either of the Votes in question. Indeed, omitting the balances of the sums granted by the House on account, and a couple of balances of large amount applicable to the maintenance of prisons and prisoners, the balances in the Exchequer did not reach £30,000, a sum obviously insufficient to meet the payments that fell due at the termination of the quarter. All the services for which the Vote was now asked were of an established character, and had repeatedly received the sanction of the House, and to which the sanction of the House would no doubt continue to be given. It did not include any new Vote, or any Vote involving a question of principle likely to excite discussion. Nearly the whole of the sum was to be applied to the payment of pensions and salaries for services actually rendered, which could not be postponed without hardship and inconvenience to the parties entitled and some discredit to the country. In agreeing to the Vote the House would not abandon any portion of their control over the Estimates, or delay the discussion of them. There might not be many examples, except of late years, of voting money on account, but the circumstances of former times were totally different from those of the present time in that respect. There were only two ways in which, in these latter times, Votes on account could be avoided. Either the House must be prepared to pass the Civil Service Estimates early in the Session, or soon after the commencement of the financial year; or else they must permit the Government to retain large balances in their hands applicable to these services, till the period arrived when the Estimates could be proceeded with in Committee of Supply. Hon. Members could judge as well as he could whether it was possible to arrange the business of the Government so that the Estimates might be passed early in the Session. Experience showed that it was not sufficient to place Supply on the paper to secure a night for it, because nearly every question had precedence of it. Moreover, it was necessary to Vote the Army and Navy Estimates at the commencement of the Session. The Army Estimates had not been unusually delayed this year, in order to make way for the general business of the Government, and yet they were not concluded. In his opinion, it was impossible to count with certainty upon getting through with the Civil Service Estimates early in the Session. The objection to the course suggested by the hon. Gentleman, of submitting to the House the Votes on which balances were falling short, was that it assumed the continued existence of those balances. The Public Moneys Committee of 1857, recommended that the practice of allowing the Government to use the grants for any year after its expiration should be abandoned, and that, as in the case of the Army and Navy Estimates, the Government should, at the end of each year, surrender any balances that remained to the Exchequer. The Committee of last year on the Miscellaneous Estimates gave a similar recommendation; and if that plan were adopted, Votes on account would be indispensable. Presuming that the House would adopt the recommendation of the Committee, the Government were anxious to make such arrangements as would facilitate the transition from the old to the new system. Under these circumstances he trusted the Committee would not hesitate to grant the Vote.

Mr. AUGUSTUS SMITH hoped that

they would not establish a principle of going on from year to year voting money without being allowed to discuss the Estimates in proper time. There had been almost a promise that the Estimates would be introduced in sufficient early time to allow of the various Votes being discussed before the House lost its proper control over them. As the Government refused to assent to his proposition, and as the Estimates must come before the House in a few days in regular course, he would move that the Chairman report Progress.

Mr. W. WILLIAMS said, that until within the last three years, Votes on account had never been asked for except on extraordinary occasions. This was the second time this year that the House was asked for a large Vote on account. The sum now applied for, with that voted six months ago, would amount to £1,311,000. The result of the present system was, that they were called upon to vote upwards of £40,000,000 without having a fair opportunity of discussing the items of which that large sum was composed. Nominally, there were now four nights a weeks for Supply; but, as all sorts of questions took precedence, it was usually about midnight before the House got into Committee. If there were one night in the week on which Supply should take precedence of all other business, that would afford a remedy for what must be admitted to be an evil. As the Secretary for the Treasury said that the money now asked for was wanted, the Committee could not refuse it; but he hoped they would set their face against a repetition of the system year after year.

Sir FRANCIS BARING observed that his hon. Friend the Member for Lambeth was quite correct in saying that the practice of taking Votes on account had become more frequent of late years; but there was another practice which had been very rare in former times, and was very common now. He alluded to the custom of moving Amendments on the Motion for going into Supply. The result of this was to render it impossible for the Government to bring on the Estimates at as early a period as formerly. There was another reason which ought to induce the Committee not to throw any obstacles in the way of the Government on an occasion like the present. Hitherto, the Government had been in the habit of carrying over large balances. That practice had been objected to by more than one Committee appointed to consider questions relating to the public expenditure.

In order to meet the views of those Committees the Government had reduced their balances, and they now returned to the Exchequer sums which, according to the old practice, they might have kept. His hon. Friend hoped that Votes on account would not be continued ; but he forgot the recommendation of his own and other Committees—namely, that the accounts of the Army and Navy should be closed at a particular time, and that, in order to meet the exigencies of the Civil Service, Votes on account should be taken.

Sir STAFFORD NORTHCOTE said, there was a third practice to which the right hon. Gentleman should have referred, which was that the Government were falling into the habit, when an awkward question was brought forward by an independent Member, of getting the House counted out. His own case furnished an illustration of the impediments thrown in the way of private Members. Soon after Easter he gave notice of a Motion, and, having balloted, got the first place. On the night when it should have come on, however, the Government, who, as he understood, were opposed to the Motion, hinted that it was desirable there should be no attendance, and so to avoid being counted out he was obliged to postpone his Motion. A second time he understood that he was to be counted out. At last he was able to get a day ; and then, to his surprise, he found that the Government were prepared to grant his Motion. In that way much valuable time was lost. The same things happened in other cases, so that although the Government had this Session got an additional night for Supply they seemed to make no additional progress. The right hon. Gentleman had quoted the recommendation of the Committee on Public Moneys. But what they recommended was that the grants for the Civil Service should be made on the same principle as the grants for the Army and Navy, namely, for the supply and service of the year, and not for the money to be spent within the year ; and in order to facilitate that arrangement it was thought necessary that the money should be voted on account at an early period of the Session. The old maxim was *Qui sentit commodum sentire debet et onus ;* but here the Government were reaping the advantage without fulfilling the obligation—they were getting money on account without giving to the House the opportunity of granting the Supplies on the principle of the Army and Navy Votes. No Vote was taken on account in the case of Civil Service Estimates, unless on a great emergency. Last year they were told that the circumstances were peculiar, but that it must not be drawn into a precedent. Exactly the same thing was said now ; but, if the House were ever to stop the practice, they must make a stand at some time or other, because every year added one to the precedents which would be relied on in favour of this irregular practice. He thought they might most conveniently make such a stand in the present instance. It had been urged that the money was wanted to pay salaries before the 1st or 5th of July, but there was plenty of time to go into Committee of Supply and take the Votes required before that time. Then it was said that the House did not lose its control over the Estimates by adopting this course. In theory this might be so, but in practice the House certainly lost all useful control over expenditure by assenting to such a course—because if the Government had the opportunity of putting off every important matter until the end of the Session, when everybody was out of town, there could be no discussion. Several questions of much interest were to be raised upon these Votes. The hon. Member for Swansea (Mr. Dillwyn) had given notice of a Motion on the whole subject of national education. Probably the same thing would happen in this as in the last Session, when his right hon. Friend (Sir John Pakington) gave notice of a Motion on the same subject, but was only able to bring it forward late in August. The hon. Member for Montrose (Mr. Baxter) intended, upon the Packet Estimates, to bring this subject under notice, and the question was one which ought to be discussed in a full House; but of this, according to present appearances, there was little chance. It was said, " Oh, but the House never reduces these Votes." But if it did not do so its criticism had the effect of keeping the Government alive to the necessity of reduction and of preventing extravagant Votes. The present system in this House seemed altogether very unsatisfactory. First they voted Ways and Means, then they attended to matters of general legislation, and Supply was left to the fag end of the Session, though this was the most important function of the Commons. If this practice continued the House would gradually lose much of its authority over the national expenditure, and would cease to fulfil one of its most imperative duties.

THE CHANCELLOR OF THE EXCHEQUER agreed with his hon. Friend in thinking it a public inconvenience, and a serious public evil, that the discussion on the Miscellaneous Estimates should be postponed to so late a period of the Session. The subject well deserved consideration, both by the Government and the House, in order that further remedies might, if possible, be applied for the cure of such an inconvenience. But when his hon. Friend talked about the Government having gained so much by an additional night for Supply, he ought to remember that, though this gain had not been without value, its real effect had been exceedingly small. As to the course now proposed, he could not concur in the criticisms which had been passed upon it. His hon. Friend talked about the Government getting into the habit of having the House counted out on Supply nights. Now, he did not know that the Government were any more responsible for "counts out" on such nights than his hon. Friend or any other Member who had Motions on the paper. The fact was that on a single night when Supply was to have come on the House was counted, to the great surprise of the Government themselves; and this solitary instance, with which the Government had nothing to do, was converted by his hon. Friend into "a habit" on the part of the Government in procuring counts out. His hon. Friend thought a stand ought to be made against the practice of demanding Votes on account for miscellaneous services; but the allegation on which he founded his argument failed. He had referred to the Committee on Public Moneys, but it was precisely because of the approximation they had made to the recommendations of that Committee that the Government were now obliged to come for money on account. If they had made no changes in the old system they would have had at this moment such an amount of balances in hand as would have enabled them to go on without difficulty. But the balances had been greatly reduced, with the view to facilitate an approach to a new system, and, therefore, the sole reason why they were now obliged to ask for Votes on account was because an important part of the recommendations of the Committee had been followed. As to the suggestions that the substantive Votes now in question should be taken, that arrangement would be a most inconvenient one, for if they were to take the substantive Votes as the necessity for the money arose, it would be necessary to break up the order of the Estimates, disturb the calculations of the Government as to the time public business would be taken, and throw the whole business of Parliament into confusion. He submitted that this would be a much greater inconvenience than taking these Votes on account. It would be wrong to ask for Votes on account for new services, but as the Vote now required was to carry on the current services and to provide for the current expenditure, with respect to which the differences of opinion were comparatively limited, he thought that it was more expedient to take it in that form than to bring forward ten, twenty, or thirty, and ask the House to agree to them at the fag-end of an evening.

MR. HENLEY was afraid that the Government were carrying on the old and new systems at the same time. The Committee on Public Moneys recommended that the accounts should be closed; but that had not been done. The right hon. Gentleman said that they were approximating to it, but there was no security that they would not approximate the other way. The right hon. Gentleman might keep oscillating. He did oscillate sometimes. He might take advances when it suited him, and keep the balances when it suited him. They had not even a pledge that the recommendations of the Committee would be entirely carried out. They ought at least to have some such promise. What had happened? The Government had not only asked for money on account, but they had asked for it in driblets. This was the second dose of the same physic which they had had this Session, and there might be a third dose in store for them. It might or it might not be more inconvenient to take the Estimates piecemeal, but he must certainly protest against this mode of carrying on business. The right hon. Gentleman said that the House had only been counted out upon one Supply night, but there had been many nights on which the Government might have put Supply upon the Orders, and had not done so, which came to much the same thing. The House had for one week been engaged in the discussion of a small Reform Bill, the advantage of which was very doubtful, when it might have been much better employed in Committee of Supply.

THE CHANCELLOR OF THE EXCHEQUER said, that he had thought it unnecessary to reiterate the pledge for which the right hon. Gentleman had asked, because it had been given some time ago, and the Government had already taken steps towards its fulfilment by introducing a measure with regard to Exchequer Bills, and moving the appointment of a Committee on Public Accounts, the Report of which would, he trusted, lead to the settlement of one or more of the other recommendations of the Committee, but it was impossible to adopt all the recommendations of the Committee at once.

SIR HENRY WILLOUGHBY said, that under existing circumstances the Government was justified in asking for money on account; but he should like to know when the recommendations of the Committee respecting these Estimates would be adopted as a whole? Until it was so adopted there could be no proper system of audit. He hoped the Bill founded on the Report of the Committee would be introduced forthwith. Expenditure could not be discussed in the dog-days, and it was absurd to suppose that Supply could be fairly entertained after a mass of questions had been ventilated, and when the time had arrived that the House ought to be in bed.

MR. PEEL said, that a Bill had been prepared the object of which was to carry into effect the recommendations of the Public Moneys Committee with regard to the audit of the public accounts, but its introduction had been delayed in consequence of the appointment of the Committee on Public Accounts. That Committee had now nearly terminated its labours, and the Bill would shortly be brought forward.

MR. DISRAELI said, that last year he called the attention of the Committee to the Vote on account which was then proposed. The feeling of the House was that that mode of proceeding was very objectionable, and the Vote was agreed to under a general protest. That Vote, however, was granted under very different circumstances from those under which this one was now asked for. Last year the Government asked for money on account, because it had laid before the House some "large and comprehensive measures." These measures were a Reform Bill and a Commercial Treaty, and it was clear that there must be considerable delay in getting through the Committees of Supply. This year no one would pretend that there had been introduced any large or comprehensive measures which could at all have retarded the progress of Supply, if the business of the House had been arranged with that adroitness and good management which the House had a right to expect. That was the opinion of the Government themselves, because in the middle of February his hon. Friend the Member for Norfolk (Mr. Bentinck) asked when the Miscellaneous Estimates would be produced?—and he was assured by the right hon. Gentleman opposite with some self-complacency that they would be introduced almost immediately. What else had happened this year? Almost as soon as the House met a Committee was appointed to consider the arrangements as to the transaction of public business, and, if possible, to facilitate its progress. There might be some controversy as to the recommendations of the Committee, but hon. Members on both sides of the House would admit that the desire of that Committee was to further the progress of public business and to give every possible facility to the Government. Another day in the week was given to them, and other regulations were made, the sole object of which was to facilitate the progress of public business. The Government had not brought forward any large measures, and, though the House had given them additional facilities, the House yet found itself in this unpleasant position. It, therefore, became the Committee to consider what course they would take to prevent a repetition of a proceeding which a moment's reflection would show to be rife with most injurious consequences to the public welfare. By agreeing systematically to vote money on account the Committee could not conceal from itself that practically it was putting an end to all control over the public expenditure. Except Her Majesty's Government would reconsider their course and withdraw this proposition, which he hoped they would see the propriety of doing, there was nothing left for the Committee but to express its opinion distinctly by its vote. It would not be at all difficult for Her Majesty's Government to make the arrangements necessary for procuring the Supply which they required in due course and time. He trusted the Committee would feel that they had a responsible office to perform, and unless they did so they must make up their minds, in the words of his hon. Friend the Member for Stamford, that they were relinquishing some of the most important functions which they were called on to discharge.

VISCOUNT PALMERSTON hoped the House would not agree to the Motion for reporting Progress. The Government were quite aware of the inconvenience of postponing the Estimates to a late period of the Session; but, really, if the Committee would look back to the mode in which the time of the House had been occupied, it would be seen that the request which the Government now made was not owing to any indifference on their part, or to any disposition to postpone the Estimates to a late period. Take, for instance, the last night of Supply; twenty-nine Notices were given of subjects to be discussed before the Speaker left the chair; about four of these were got through, and, no doubt, notice of the remainder would be renewed for some future evening. It was only aggravating the evil of which the hon. Member complained to refuse this Vote. It would only entail great inconvenience on innocent persons—namely, public servants for whose pay the money was required, and it would answer no other purpose whatever. The Government were exceedingly anxious to get on with business, but he could not take upon himself to ask Gentlemen to postpone all their Notices till Tuesday. The Government were accused of allowed the House to be counted out; but that occurrence had usually happened on Tuesday nights, when, if forty Gentlemen who were interested in Motions that had been put down for that evening had been in their places to watch them, no "count out" could possibly have occurred. The Government were not bound to keep a House against the wishes of Members when there was no business before it. To show that they were in earnest, they proposed to avail themselves of the new regulations proposed by the Committee, and to take Supply as the first order to-morrow.

Sir JOHN PAKINGTON said, the Committee on Public Business had recommended that Government should have the power of putting down Supply on Tuesday nights; yet this was the first instance in which they had availed themselves of the privilege. The effect of the course taken by Government in not trying to forward business on Tuesday evenings, and in allowing the House to be counted out was that Members were obliged to put down their notices for Supply nights, thereby causing the inconvenience which was now complained of.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."

Viscount Palmerston

The Committee *divided*:—Ayes 99; Noes 148: Majority 49.

Original Question put, and *agreed to*.

In reply to Mr. CHILDERS,

Mr. PEEL admitted that the balances remaining of Votes formerly granted were very considerable.

Sir STAFFORD NORTHCOTE asked for information respecting the time when the Miscellaneous Estimates would be brought on for discussion, and the order in which they would be taken?

Viscount PALMERSTON: It is impossible to say when, but as soon as possible. We must first dispose of the Army Estimates.

House *resumed*.

Resolutions to be reported *To-morrow*.

Committee to sit again *To-morrow*.

PAROCHIAL AND BURGH SCHOOLS (SCOTLAND) (No. 2) BILL.

SECOND READING.

Order for Second Reading read.

The LORD ADVOCATE said, one object of the Bill was to abolish the exclusive test that the schoolmaster should belong to the Established Church in Scotland. On the other hand it provided that they should teach the Holy Scriptures and the Shorter Catechism as set forth by the Westminster confession of faith. He did not say he liked this test, if test it was to be called. The Bill proposed to raise the salaries of the schoolmasters. At this moment the *minimum* of these salaries was £22 a year, and the *maximum* £28 or £29. He need not say that that remuneration was disgracefully inadequate. The Bill proposed to raise the salaries, the *maximum* being £60 a year—which he was far from saying was sufficient. But if they could join in doing away with the exclusive test he saw no reason why in a future Session they should not depart from the system of educational grants, and revert to the good old Scotch system of having a truly national education in Scotland.

Major CUMMING BRUCE regretted the Bill had been introduced into the House at so late a period in the Session, as it deprived the House of an opportunity of discussing it. It would, moreover, have been but fair if the Bill had been brought forward at a time when the General Assembly of the Church of Scotland would have had the opportunity of considering it. The Bill was introduced in 1854: then it was rejected by a majority of one. In 1857 it was carried by a majority of above thirty, but the Bill had been always rejected in the other House, and a similar fate would probably attend this. He trusted that the superintendence of the Presbytery would be continued over the parish schools. He desired to see the schools maintained on their present footing.

Mr. BLACK said, that he was opposed to many of the clauses of the Bill. The only good thing about it was the proposal to increase the salaries; but, then, at present the heritors were obliged to provide the funds; but now the proprietors and the tenants were joined with the heritors; but while they were joined with the heritors in providing the funds the heritors were to decide upon their application, and also upon the allowance to the schoolmaster. But what he was chiefly opposed to was the test. At present all that was necessary was a confession of faith; and the teacher was not bound to teach any particular theological doctrines, but this Bill proposed to lay down that he should teach doctrines in accordance with the Short Catechism.

Mr. MURE would vote for the second reading of the Bill, and thought that the declaration would be most usefully settled in Committee.

Bill read 2°, and *committed* for *Tuesday*, 2nd July, at Twelve of the clock.

House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, June 25, 1861.

Minutes.] Public Bills.—1ª Poor Assessments (Scotland).

3ª Railway Companies Mortgage Transfer (Scotland); Edinburgh Assessments; Excise and Stamps.

PUBLIC SCHOOLS.

Lord BROUGHAM asked the President of the Council (Earl Granville) if the Commissioners' Inquiry into Public Schools had been issued, as Lord Campbell had stated it was nearly ready; and had also mentioned the good conduct of those in authority in these schools, and of the Universities, as such that the inquiry could be conducted without any Act of Parliament being introduced—a thing greatly to the honour of these persons?

Earl GRANVILLE said, it was quite that there had been every disposition to aid the inquiry, as Lord Brougham had stated, but the Commission, though nearly ready, had not been issued.

Lord BROUGHAM trusted that it would contain no exception, so as to exempt any schools from the inquiry. The Act of 1818 had, unfortunately, exempted the great schools from its operation, and he had reluctantly been forced to agree to this exception, the consequence of which was that what would have been accomplished above forty years ago had to be done now. He had endeavoured to have the exemption removed in the Act of 1819, but in vain. The influence of Lord Eldon had proved too powerful. His Bill of 1818 had been by what in these days was a kind of political miracle carried against Lord Eldon in their Lordships' House on the second reading, and he was certain that if he refused to insert the exemption, the Bill would be lost in its subsequent stages altogether. The exemption was of all schools having special visitors, and it had been afterwards found by the Education Committee whose sittings continued a week or two after the Bill passed that these were the most full of abuses.

SUBDIVISION OF DIOCESES BILL.

REPORT OF SELECT COMMITTEE.

Lord LYTTELTON, in presenting the Report from the Select Committee to whom this Bill had been referred, said, the Committee had given it great attention, and had made many alterations in it; but as, in his opinion, the essential principle of the measure was preserved, he should ask the House to agree to all the Amendments except one. A clause had been introduced enacting that "no scheme for creating a new See, or creating a new Dean and Chapter, shall take effect until it has been laid for six weeks before both Houses of Parliament, nor if within that time either House of Parliament shall have addressed the Crown in opposition to it." The attendance of Members of the Select Committee on the occasion when that proviso was introduced was small, and he believed that several voted for the clause under the impression that the noble Earl (the Earl of Derby) was in favour of such a provision. He felt that the clause was inconsistent with the principle of the

Bill, and he should ask their Lordships to reverse the decision of the Select Committee when the Bill was before them in Committee of the Whole House on Tuesday next.

LORD STANLEY of ALDERLEY said, if the noble Lord should think it necessary to propose to reverse the decision of the Select Committee he should feel absolved from giving any assistance whatever to any other portion of the Bill.

LORD OVERSTONE suggested, that it was desirable the minutes of the Select Committee should be laid on the table and printed.

Bill *reported,* with Amendments; and committed to a Committee of the Whole House on *Tuesday* next.

ROYAL NAVAL RESERVE.

MOTION FOR REGULATIONS.

THE DUKE OF SOMERSET, in moving for a copy of the Regulations under which Masters or Mates of Merchant Vessels may be enrolled as Officers of the Royal Naval Reserve, said he would take occasion to remove a false impression which he was afraid had been created by a former discussion. A reserved list of officers of some kind was absolutely necessary in case of war. A navy list which might be suitable for a condition of peace would not be suitable for a condition of war. We had now of lieutenants on the active list, according to the published list of April 1861, the number of 855, but the whole number of lieutenants unemployed was 150, and of those 150 only 25 would be available for active service. There were many lieutenants on the active list who still in point of age might be capable of service, but it would be most inconvenient to employ them as lieutenants, because of the position in which their seniority would place them, in consequence of the length of time since they had been on the active list. There were only 25 unemployed lieutenants available for active service. But how was this deficiency to be remedied? On a former occasion it was said promote more mates. The number of mates in April last was 86. The mates never remained beyond a year in that rank, whenever their captains reported they were fit for promotion. It might be said enter more cadets and you will get more officers. That was a very proper mode of proceeding, and for the last three or four years, instead of about 100, as had been the case before, about 200 a year had been entered. It should be remembered that the entry of too great a number in one year was very unfavourable to future promotion in the navy. It might give the Admiralty a certain amount of patronage and popularity, but it would be bad for the service, and bad for the officers themselves. By bringing a number of young men into the navy of the same year's standing their chances of promotion would be diminished; it would produce a large list of officers without employment during time of peace, and who, by being unemployed, would necessarily become inefficient. It created at the same time a very serious charge upon the finances of the country. We had now been at peace, as far as the navy was concerned, for a great many years, and he would state to their Lordships the present condition of the Navy List. Of Admirals we had now on the active and retired list 309, whereas, in 1816, at the conclusion of the war, we had only 235. The list had, therefore, gone on extending and the pressure of the deadweight on the taxpayers of the country had been greatly increased. The number of Admirals in actual employ was about 20. In the same way, the total number of Captains on the active and retired list was 774; so that there was an immense amount of money paid in proportion to the services rendered by the captains. The charge for the retired officers was becoming very serious. The payment on account of the reserve and retired list of Admirals, Captains, Commanders, and Lieutenants, omitting pensions, Marines, surgeons, and paymasters—amounted to £346,000 a year. During the last ten years this deadweight had largely increased. In 1851 the charge was only £205,000 a year, including the Marines; now, it was £442,000, also including the Marines; and this result was owing not to any considerable war, but to the necessity of bringing up active young men as officers, and of, therefore, placing others on the retired list. Their Lordships would, therefore, see that if the navy was to be placed on such a footing as would make it adequate for a war, their Lordships must consider how they could best obtain the requisite supply of officers without at the same time entailing any great deadweight upon the country. It was said, "If you cannot promote naval cadets, at least promote masters." In the first place however, masters ranked as lieutenants, and, therefore, no advantage would be derived to them from this measure. Moreover, in the event of war, there was not a sufficient number of masters, and that being so, it would be most unwise to make the masters lieutenants. No other plan, therefore, seemed available except that of bringing in officers from the merchant service. These officers now underwent as strict an examination as the officers of the navy, and were fully competent to perform the duties expected from them. Two objections had been started to the proposal. First it was said that these officers would not enter the service; and then, that by inviting them to come, he was interfering with the course of promotion in the navy. Now he wished to say by these regulations he did not in any way interfere with naval promotions; and in the next place he believed that these officers would not only not object, but would be quite willing to serve under captains in the navy. He proposed that after serving for a time they should be eligible for honorary rank in the Reserve, which would run parallel to rank in the navy, but would not interfere with the Navy List. If these officers distinguished themselves by special service in time of war, they might be introduced into the navy on equal terms with those on which they were serving. That, however, would necessarily apply only to a limited number because he apprehended that, their pay being higher in the merchant service, few would be willing to leave the employment absolutely for service in the Royal Navy. At the same time he believed that they would willingly give their services in time of war. As to the masters of the navy, their position had been much improved by recent Orders in Council. Their pay had been increased, their rank and position in the service much improved, and the Admiralty were, therefore, now in a fair way of obtaining more of this useful class of officers. That being so, it would be undesirable to interfere further with their position, except in respect of their appointment as masters-attendant in the dockyards, in which case it would be fair to them to increase their pay. As their Lordships knew, the number of lieutenants was limited by Order in Council to the number of 1,200, and it was considered desirable to increase them gradually to 1,000, but not to any larger number, because otherwise they hampered each other, stopped promotion, and became disheartened, or if promoted to be captains or commanders, it was at a time of life when they were unfitted for service. The men whose services he desired to obtain were otherwise well qualified to fill these situations, and if they would devote themselves to gunnery and drill they would be of great use in the service. By employing them, too, he hoped to add to the popularity of the navy, for they would bring in with them men who had served under them in the large steamers and ships which they commanded. In every way the navy would gain by employing them; and when the war was over the great majority would retire with honorary rank, and would be quite willing to resume their old calling. This, generally, was the scheme which he proposed. He had framed Regulations for the purposes which he should now lay upon the Table, only premising that in preparing them he had been greatly assisted by two officers of the Admiralty whose loss the department had now to deplore before the document was completed, and if any errors had crept into the Regulations their Lordships must attribute them to him, and not to the other members of the Board. A further stage of the Bill in reference to this subject would, he hoped, be taken a week hence, and meanwhile it would be open to their Lordships to consider the Regulations which the Bill enabled the Admiralty to frame.

Moved, That there be laid before this House, Copy of the Regulations under which Masters or Mates of Merchant Vessels may be enrolled as officers of the Royal Naval Reserve.

LORD COLCHESTER said, the noble Duke's statement showed that previous Boards of Admiralty had allowed the number of junior officers to fall far too low. He was informed that a great deficiency existed with regard to these officers in the larger ships, and that the want of discipline on board some of those ships, about which much had lately been said, had arisen in a great degree from the absence of a sufficient number of these junior officers to mix with the men and check anything that was going wrong.

THE EARL OF DERBY asked if the officers about to be introduced into the service would be promoted beyond the rank of lieutenant? The list of officers above that rank was already overflowing. If the new officers were promoted beyond the lieutenant's rank, in case of a future war would they be called on to serve in the higher grade?

THE DUKE OF SOMERSET said, in cases

of distinguished service the new officers would be promoted by the Admiralty in the Reserve to a higher rank than lieutenant. In case of retirement they would take the higher honorary rank; but they would not be required to serve in it. If wounded in the service they would be entitled to the same compensation as officers of the navy.

Motion *agreed to.*

House adjourned at a quarter before Six o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, June 25, 1861.

MINUTES.] PUBLIC BILLS.—1° Places of Worship (Ireland); Crown Suits Limitation; Copyright of Designs; Industrial and Provident Societies.

3° Harbours; Public Works (Ireland) Advances and Repayments of Moneys; Voters (Ireland) (No. 2).

LONDON COAL AND WINE DUES CONTINUANCE BILL.—COMMITTEE.

Order for Committee read.

MR. AYRTON moved,

"1. That it be an Instruction to the Committee on the Bill that they have power to make provision therein continuing the fund provided by Sections 2 and 5 of the Act 11 Geo. IV., c. 64, and for paying the proceeds thereof to the account to be opened under the Bill."

He could not but express his regret that towards the close of a Session in which there had been so little real work done, the Government should have appointed a morning sitting for the consideration of a Bill so important as that before the House. The Government made and kept a House —with difficulty it was true—but it was composed chiefly of Gentlemen who were its immediate supporters; and it was hardly to be expected that independent Members should attend. Consequently that a Member should speak at such a time was like appealing to the Government, and not to the House itself. The Government in acting as they had had failed in one of their most responsible duties, and had lent themselves to the Corporation of the City, in bringing in a Bill to promote the advantage of that Corporation. He was compelled at this stage to interfere by moving a series of Instructions, which as they related to distinct funds would have to be taken separately and distinctly, though they all were proposed with the single purpose of doing justice between the comparatively small body of the inhabitants of the City and the large and important body of the inhabitants of the Metropolis. The following were the Instructions of which he had given notice:—

"That it be an Instruction to the Committee on the Bill that they have power to make provisions in the Bill for continuing the fund provided by Sections 2 and 5 of the Act 11 Geo. 4, c. 64, and for paying the proceeds thereof to the account to be opened under the Bill. That it be an Instruction to the Committee that they have power to make provision in the Bill for transferring to the Metropolitan Board of Works the lands, tenements, and hereditaments called the Bridge House Estates, now vested in the Mayor, Commonalty, and Citizens of the City of London, subject to any trust affecting the same, and any charges thereon, and for paying the surplus income thereof to the account to be opened under the Bill. That it be an Instruction to the Committee that they have power to make provision in the Bill for transferring to the Metropolitan Board of Works all lands, tenements, and hereditaments now vested in the Mayor, Commonalty, and Citizens of the City of London under any statute for making improvements within the Metropolis (except markets), subject to the trusts affecting the same, and the repayment of any monies raised by the said Corporation under such statutes, and thereby charged on such lands, tenements, and hereditaments, and for transferring to the Metropolitan Board of Works all the powers conferred by such Statutes on the said Corporation. That it be an Instruction to the Committee that they have power to make provision in the Bill for the payment of the metage dues on grain, fruit, wares, or merchandize received by the Mayor, Commonalty, and Citizens of the City of London, to the account to be opened under the Bill. That it be an Instruction to the Committee that they have power to make provision in the Bill for payment by the Conservators of the river Thames of the surplus of the annual income received by them to the account to be opened under the Bill."

Confining his attention for the present to the first, the question it raised was simply whether the House, at the instance of the Government, should make a free gift to the Corporation of the coal dues, instead of retaining them for the purposes to which they had been applied for the last hundred years? It was really quite startling that the right hon. Gentleman the Home Secretary should have taken the course he had, after the preliminary information he had received. After the great fire the House, out of compassion, consented to a tax being imposed on the coal imported into the City for the purpose of rebuilding the town, then re-erecting its churches, and then embanking the Thames. After the Revolution of 1688, the orphans of the City complained to Parliament that the City had taken possession of their fortunes, in order to keep them till their owners came of age; but that the City had refused to repay the money, alleging that they were hopelessly insolvent in consequence of the civil troubles through which it had gone — though, in truth, it had been caused in no small degree by its revellings. Parliament, therefore, decided that the City should have a fixed sum of £8,000 or £10,000 a year for its expenses, and that the rest of its revenues should be applied to the payment of its debts. The City would not, however, accept that, but, following the example of the East India Company, it bribed the House of Commons from the Speaker down to the clerk; the result was that Parliament agreed that the City should be left in possession of its revenues, and that its debts should be consolidated into permanent annuities, the interest of which should be defrayed out of certain special ways and means, namely, £8,000 out of the Corporation of Revenue, £990 the profits of certain aqueducts, and certain apprentice and other fees. Parliament also granted duties on coal and wine, the whole amounting to a revenue of £20,000 a year. As the City increased the fund became larger than the money required for payment of the interest on the annuities, and since 1767 the fund was converted into a Metropolitan Improvement Fund, but, at first, it was charged by various Acts of Parliament with the cost of peculiar works. When London Bridge was to be pulled down, a new fund of a million was created, and called the London Bridge Approaches Fund. On that occasion, the Corporation had the Act so artfully framed, that they were enabled by it to withdraw the fund to which he was now referring. It soon, however, came to the knowledge of the public that Parliament had been duped; the House of Commons in 1830—not then "a reformed," but what was called a corrupt one—was indignant at the fraud, and the next Session it passed an Act ordering the Corporation to pay back the money. Then, as now, the Corporation had endeavoured to fix the attention of the House and of the public upon the magnitude of the works they had in hand, forgetting that the real question was not one of a great public work, but simply whether the House should make the Corporation a free gift? He denied that the Corporation had any right to the money at all. The fund was given to assist the Corporation when it was insolvent, and the annuities had been redeemed by the growing population of the Metropolis. The inhabitants had therefore, paid the debt, and ought to have the fund. He trusted, therefore, that the House would agree to the first Instruction, the only object of which was to enable the subject to be discussed in Committee.

MR. W. WILLIAMS seconded the Resolution.

MR. ALDERMAN CUBITT said, he would not follow the hon. Gentleman through his historical reminiscences. The City was not much interested in the question, which was merely the carrying out of those great works of improvement which were so much required in the Metropolis. The City was only interested in 4*d.* out of the 13*d.* imposed by the Bill, the remaining 9*d.* having been under the control of Parliament for a great number of years. The City merely collected the money and handed it over, but it had no other interest in the matter.

SIR GEORGE LEWIS said, the hon. Member for the Tower Hamlets had, according to his wont, addressed to the House a Jeremiad, in which he had represented himself to be the only person that cared for the public good. The great delinquent, according to him, was the Corporation, but the Government, he said, were also very much to blame. It was only on the previous evening that the Government had been blamed for bringing in Bills of importance in preference to Supply, which was this Session in arrear. If he (Sir George Lewis) had placed the present Bill on the Paper for a Government night, he was perfectly certain that he should have been blamed for giving it precedence over Supply. He would appeal to the House whether it was not the usual and convenient course to bring on such Bills at this period of the Session at morning sittings? The Bill was founded upon the Report of a Committee of last Session, which might be taken as a fair embodiment of the sense of the House, and which had recommended that the embankment of the Thames should be carried out with money raised by means of the coal and wine dues. He had never proposed to deal with the London Bridge

Approaches Fund—he merely dealt with the duties on coal and wine, which were paid by the whole Metropolis. The hon. Member for the Tower Hamlets might as appropriately move an Instruction that funds should be paid out of the income tax or the spirit duty for the purpose he specified as the one he had proposed. The scheme of the hon. Gentleman was one that might well be considered in connection with a general plan for reforming the Corporation, but it had nothing whatever to do with the Bill before the House. The House knew what the coal duties were, and the very question they had now to consider was simply whether those duties should be appropriated to the embankment of the Thames? He believed that the Bill provided an unexceptionable fund for a work of admitted utility; and he hoped, therefore, that the House would not accept the Instruction, but would proceed to discuss the clauses of the Bill.

Lord JOHN MANNERS said, he willingly bore witness to the zeal and courtesy with which the hon. and learned Gentleman had discharged the duty of Chairman to the Committee over which he presided, and he was not surprised that he objected to the passing of the Bill before that Committee had finished its labours. He agreed, however, with the right hon. Baronet that the Bill would not interfere with the reform of the Corporation. At the same time he (Lord John Manners) thought the House ought not to take the same view of the case that the hon. Member had done; but that they should proceed with the measure before them without any delay. The object of the Bill was to provide a great public improvement, and he hoped, therefore, the House would now go into Committee.

Mr. W. WILLIAMS said, without doubt the embankment of the Thames ought at once to be proceeded with, as it was impossible to place the sewerage of the Metropolis on a proper footing without that improvement. He objected, however, to its being carried out by the very objectionable means of a tax levied on coal. He hoped the great improvement would be carried out, and that it would not be limited to one side of the river; but it might be effected in some other way than that proposed by the Bill. The Corporation lent, in years gone by, £700,000 to Charles II., of which he never repaid one farthing, but gave power to the Corporation to levy a fourpenny duty on coal. The £700,000 had been repaid some seventy years ago, but the tax had been continued up to the present day. He should feel it his duty, when they came to that part of the Bill which gave the City power to continue the tax, to move an Amendment to terminate such an arrangement.

Mr. LOCKE said, that there was a debt of £11,500 a year due by the Corporation of the City, which was by Act of Parliament appropriated to purposes of public improvement, and the Bill proposed to get rid of that contribution. He wanted to know upon what principle that item was to be remitted to the City of London? That was the real question with which the Instruction of his hon. Friend dealt, and to which the right hon. Gentleman the Lord Mayor had not made any allusion? There were other sums also which were to be remitted to the Corporation, and though those sums were not very large he saw no reason why the Government should make a present of them to the Corporation. All his hon. Friend proposed was that the items hitherto appropriated to the improvement of the Metropolis should be so appropriated still.

Mr. NORRIS said, that the objections which had been made did not in reality apply to the Bill of the right hon. Gentleman. No case had been made out against the Corporation, and even if there were charges to be investigated the Committee then sitting, and not that House, was the proper place in which to bring them forward. The annual sum of £11,500 had been contributed by the Corporation until the entire debt to which it was appropriated was extinguished, and though it was true that the Corporation had from time to time devoted that sum since the extinction of the debt to certain improvements within the metropolitan district as it was a free will offering it would not be fair to bind the Corporation down to pay any such sum under this Bill. He denied, therefore, that any gratuity was given to the Corporation by this Bill, and hoped that it would without delay be proceeded with in Committee.

Mr. Alderman SALOMONS said, he felt that he was a sort of hybrid Member, being both a Member of the Corporation, and bound, therefore, to consult its interests; and also the representive of a portion of the Metropolis which was not connected with the City. The necessity for new thoroughfares to relieve the over-grown traffic of the Metropolis must be apparent to every one, and he did not think, therefore, that the coal tax could be more usefully appropriated than to the embankment of the Thames. At the same time he wished that they were not to be wholly confined to that object; for he should like to see Waterloo and Southwark bridges, and also the bridge over Deptford-creek, thrown open to the public. The last would be a great boon to the labouring classes.

LORD FERMOY said, that the question really was how were the necessary metropolitan improvements to be made? To carry out those improvements they had no alternative but to continue the coal and wine duties. The sum of £11,500 contributed by the London Corporation had, no doubt, been always appropriated to metropolitan improvements, but he did not think the present was a proper occasion on which to deal with the subject. It was one which should be taken up along with the other matters that might be reported upon by the Committee now sitting.

MR. ALDERMAN COPELAND said, he would make but a few remarks on the subject before the House. The Corporation had been spoken of in the course of the present discussion as if they were legislating solely for their own private interest. As a member of the Corporation, he must say that that body had only one object in view, and that was to give every possible facility to those having business to transact in the City without regard to any private interest of their own. The Corporation received a revenue of £5,000 from old Fleet Market, and although the constructing of Farringdon Market had proved a failure, no blame was to be attached to the Corporation for such an event. The City had pledged its credit for the cost of constructing the New Cattle Market and new Cannon Street, and in doing so they had expended in the various improvements during the last sixty or seventy years, as had been proved before the Committee, nearly £340,000 more than their receipts. There would still exist, supposing the new improvements were carried out, great demands upon the City, for assuredly, as soon as the Thames embankment was constructed, a new street from thence to the Bank of England would have to be made.

Motion made, and Question put,

"That it be an Instruction to the Committee on the London Coal and Wine Dues Continuance Bill that they have power to make provision therein for continuing the fund provided by sections 2 and 5 of the Act 11 Geo. 4, c. 64, and for paying the proceeds thereof to the account to be opened under the Bill."

The House *divided*:—Ayes 5; Noes 160: Majority 155.

MR. AYRTON said, that after what had taken place, it would be wrong in him to prolong the discussion, and he should not, therefore, divide the House, although he would, in order to place them on the record, move the following Resolutions:—

Motion made, and Question,

"That it be an Instruction to the Committee on the London Coal and Wine Dues Continuance Bill, that they have power to make provision therein for transferring to the Metropolitan Board of Works the lands, tenements, and hereditaments called the Bridge House Estates, now vested in the Mayor, Commonalty, and Citizens of the City of London, subject to any trust affecting the same, and any charges thereon, and for paying the surplus income thereof to the account to be opened under the Bill."

Put, and *negatived*.

Motion made, and Question,

"That it be an Instruction to the Committee on the London Coal and Wine Dues Continuance Bill that they have power to make provision therein for transferring to the Metropolitan Board of Works all lands, tenements, and hereditaments now vested in the Mayor, Comonalty, and Citizens of the City of London under any Statute for making improvements within the Metropolis (except markets), subject to the trusts affecting the same, and the repayment of any monies raised by the said Corporation under such Statutes, and thereby charged on such lands, tenements, and hereditaments, and for transferring to the Metropolitan Board of Works all the powers conferred by such Statutes on the said Corporation."

Put, and *negatived*.

Motion made, and Question,

"That it be an Instruction to the Committee on the London Coal and Wine Dues Continuance Bill, that they have power to make provision therein for payment of the metage dues on grain, fruit, wares, or merchandize received by the Mayor, Commonalty, and Citizens of the City of London, to the account to be opened under the Bill."

Put, and *negatived*.

Motion made, and Question,

"That it be an Instruction to the Committee on the London Coal and Wines Dues Continuance Bill, that they have power to make provision therein for payment by the Conservators of the River Thames of the surplus of the annual income received by them to the account to be opened under the Bill."

Put, and *negatived*.

House in Committee.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Continuance of Coal Dues),

Mr. MOWBRAY said, he wished to move Amendments which would have the effect of abolishing altogether the penny duty which had been levied for the purpose of building the Coal Exchange; and also imposing a tax of 8*d.* per ton for fifteen years instead of 1*s.* per ton for ten years. The cost of embanking the Thames would not be more than a million, and a tax of 8*d.* would produce £100,000 a year.

Sir GEORGE LEWIS said, he thought the pressure of the coal dues was not so strong as had been represented. The proposition was to reduce the duty received for metropolitan improvements. The 5*d.* tax, which would remain after the proposed alteration, would produce about £90,000, while the 9*d.* produced £160,000. Therefore, the amount of tax applicable to the Thames Embankment would produce £150,000 nett, and if they took away £9,000 a year he feared they would not leave a sufficient sum to defray the probable expense of such a large undertaking. He could not concur in the Amendment.

Mr. LOCKE said, he inferred, from the very fact that the Motion was made by the Member for Durham, that it was intended for the benefit of the coal-owner. He should, therefore, give it his determined opposition.

Mr. R. HODGSON supported the Amendment.

Mr. LIDDELL denied that his right hon. Friend was acting solely on behalf of the coal owners. It was certainly very unfair to retain the penny for the Coal Exchange, which had long since been paid for, and in respect of which a large surplus actually remained in hand.

Lord JOHN MANNERS said, he should support the clause as it stood, and he hoped that the right hon. Gentleman would withdraw his Motion.

Mr. SLANEY defended the proposal contained in the Bill.

Mr. MOWBRAY said, he would withdraw the Amendment.

Clause *agreed to.*

Clauses 3 and 4 *agreed to.*

Clause 5 (Application of Duties),

Sir HENRY WILLOUGHBY said, he proposed to substitute the words "the Lords' Commissioners of the Treasury" for "the Metropolitan Board of Works," his object being to bring the funds under the direct control of the House until it was determined what to do with them.

Sir GEORGE LEWIS said, he had no objection to the alteration proposed, which was merely of a formal character. The money would be in the Bank of England, and, if the House wished, the account could stand in the name of the Lords of the Treasury, instead of the Metropolitan Board of Works.

Amendment *agreed to.*

Mr. W. WILLIAMS said, he proposed to strike out words in the clause, in order to confine the application of the funds to the embankment of the Thames only.

Sir GEORGE LEWIS said, general terms were used in the clause, but no special application of the funds could be made without an Act of Parliament.

Mr. Alderman CUBITT remarked, that the Thames embankment would not fulfil its object unless a new street was made from Blackfriars to the Bank.

Amendment *negatived.*

Clause *agreed to.*

Clause 6 (Application of the Duty of 4*d.* to the Payment of the Interest and Principal of Sums charged thereupon for Improvements),

Mr. AYRTON said, he proposed to add at the end of the clause the following words—"And after discharging the sums mentioned in the clause, the said duty of 4*d.* shall be paid to the account opened by Clause 5."

Sir GEORGE LEWIS said, that the Amendment would practically have no effect, but would raise the question whether the 4*d.* should be considered as the property of the City. He believed the fourpenny duty would not be adequate to the extinction of the debt, keeping down the annual interest, within ten years, and there would be no surplus. [Mr. Ayrton: There would.] His calculation was not consistent with that hypothesis. But to save time he was willing to accept the Amendment in the following modified form:—"After discharge of said sum and interest, the said duty of 4*d.* shall be applied by the Corporation of London towards, or in aid of, such public improvement or improvements in or adjacent to the City of London as Parliament shall hereafter sanction."

The Amendment of Mr. Ayrton was withdrawn; the Amendment of Sir George Lewis was introduced, and the clause thus amended was *agreed to.*

Clause 7 (Drawback upon Coals to continue to be allowed),

MR. AYRTON proposed, that a drawback should be allowed on coal used by the manufacturers of the Metropolis.

SIR GEORGE LEWIS said, he could not agree to the proposal.

House *resumed.*

Committee report Progress; to sit again *this day.*

THE MARCH OF THE GUARDS TO GUILDFORD.—QUESTION.

SIR HARRY VERNEY said, he rose to ask the Under Secretary for War, With what dress and accoutrements the detachment of Guards was marched from Kingston to Guildford on Thursday last, and at what hour it left Kingston and arrived at Guildford; and to move for a Copy of the representation, if any, which was made by the Medical Officer in charge to the Commanding Officer on the probable effect of such a march on the health of the Troops?

MR. T. G. BARING said, in answer to the first part of the hon. Baronet's question, he had to state that the dress and accoutrements of the detachment of Guards on their march from Kingston to Guildford on Thursday were such as were used in what is termed "marching order;" that was to say, the weight of the dress and accoutrements altogether amounted to from 45lbs. to 49lbs. He had only further to remark, as to the order in which they marched, that the commanding officer stated that the men were allowed to take off their stocks and unbutton their tunics, if they wished to do so. With respect to the time, they started from Kingston at ten minutes past six in the morning, and reached Guildford at a quarter past two in the afternoon. In reply to the latter part of the question as to whether any representation had been made by the medical officer in charge, he begged to say he had been informed that the assistant surgeon to the detachment made no representation with regard to the march; that the detachment had marched on the preceding day without any serious consequences resulting, and that the medical officer did not think it necessary to make any representation. He would only add that the question of clothing in the army had long occupied the serious attention of the Horse Guards; and that several great improvements conducive to the health and comfort of the soldier had been effected of late years.

EGYPT—THE SUEZ CANAL—TURKEY—DEATH OF THE SULTAN.
QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the Secretary of State for Foreign Affairs, Whether he has received any information that M. de Lesseps has obtained or is likely to obtain authority from the Pasha of Egypt to compel the Natives by forced labour to work on the Suez Canal; whether it be in accordance with the engagements of the Pasha towards the Porte, for the observance of the Hatti Scheriff, of Gulhané, and other humane Edicts of the Empire, that he should compel the Natives of Egypt to work by forced labour; and whether Her Majesty's Government have made, or proposed to make, any Communication to the Governments of Turkey, Egypt, or France, in the interest of humanity, on this subject?

LORD JOHN RUSSELL: Sir, Her Majesty's Government received information some time ago from Her Majesty's Consul General in Egypt that M. de Lesseps had obtained an order from the Pasha that 10,000 of the natives should be employed by forced labour on the works of the canal. The Consul General stated that a number of natives had been sent down by the railroad in order to labour at the works, but he expected that in a few days they would be allowed to depart again, as, in his opinion, the measure was intended only to show that the works of the canal were being proceeded with. After that Her Majesty's Government represented to the Porte that the system of forced labour was contrary to the agreement with the Sultan. By the latest accounts which have been received we learn that Kurschid Pasha had stated that no forced labour was going on there, and that he did not give any credence to the reports on the subject. Whether he had been deceived, or whether the forced labour had ceased, it is impossible for me to say. I proposed that there should be further investigation into the subject on the spot. As to the last question of the hon. Gentleman, I have to state that inquiries have been made on the subject referred to. In conclusion, I may also mention to the House that I have to day received intelligence that the Sultan died this morning.

ENFIELD RIFLES—SELECT COMMITTEE MOVED FOR.

MR. HUSSEY VIVIAN said, he rose to move the appointment of a Select Committee to inquire whether a more efficient weapon than the Enfield rifle might not be provided for the use of Her Majesty's forces, without additional cost or serious inconvenience to the service? Three or four years ago the noble Lord at the head of the Government mentioned the exertions which had been made by a near relative of his own, when Master General of the Ordnance, to place in the hands of the soldier the most efficient weapon that could be produced. That fact, perhaps, might be some excuse for his having ventured to introduce the subject to the notice of the House. At the time to which he referred a comparison was made of the weapons used by the armies of all the nations of Europe, and the consequence was that there was placed in the hands of our rifle regiments a weapon which was considered to be superior to any other in existence. In 1851 the Minié rifle, the parent of our present arm, was introduced; in 1852 the Duke of Wellington recommended that all our troops should be armed with rifles; and in 1853 the result of the deliberations of a Committee composed of the most eminent authorities, appointed by Viscount Hardinge, was the production of the Enfield musket, which at Inkermann, to quote the able correspondent of *The Times,* "smote the Russians like the hand of the destroying angel." In the year 1854 Viscount Hardinge published a memorandum, the most concise and foreseeing on the subject which had come under his notice, recommending that, before the construction of machinery for the production of rifles, experiments should be tried in order to determine the true principles upon which the barrels ought to be rifled. That noble Lord called to his assistance the greatest mechanician of the age, Mr. Whitworth, who conducted a series of experiments in a closed shed, constructed at the expense of the country, 500 yards long, the result of which was that he discovered the true principle of rifling, according to which he constructed the weapon called the Whitworth rifle. Early in 1857 Mr. Whitworth, in the presence of Lord Panmure, experimented with that weapon at Hythe, and with it obtained a figure of merit of 4½ inches, at 500 yards, the best figure previously obtained being 24. After that a Committee of officers was appointed, the Report of which, after being once or twice refused, was produced at the commencement of the present Session. That Report was signed by five out of the seven members, under some sort of protest. The Committee was most unfortunately constituted, four members being Government officials, and three of those being gentlemen who had been engaged in recommending and arranging—for it was really a matter of arrangement—the rifle of 1853. After squabbling for eighteen months they separated without arriving at any conclusion by which the head of a department could be guided. That Report was made on the 1st of January, 1859, but since then, as far as he knew, not a single experiment had been made by the authorities to test the merits of any other rifle than the one which they were engaged in constructing in quantities of 1,000 weekly. They took no steps to ascertain that the weapon which they were placing in the hands of the British soldier was the best that could be procured. The Report bore testimony to the merits of the Whitworth rifle, but no measures had been taken to settle the questions which the Committee had raised. Having differed among themselves to the extent exhibited by the Report, these gentlemen took the unusual course of signing under protest, detailing at some length the reasons why they did so. General Hutchinson, the president of the Committee, expressed his approval of the Whitworth rifle, and in his draught report entered into the various reasons for the opinion which he entertained. Lieutenant-Colonel Dixon did not discuss the question of the superiority of either weapon, but rather argued down, if he might so express himself, the advantages of the Whitworth rifle. At the same time he was compelled to make admissions in its favour. Though from the experiments there appeared to be no question of the superiority of the Whitworth arm, the Committee adopted the singular course of ordering rifles, on what they called the Enfield model, to be made; but they imported into them all the distinguishing features, with one exception, of the rival weapon. They adopted Mr. Whitworth's ball, the length of his projectile, and the spirality or turn of his groove, and they rejected the polygonal rifling, which was a matter of no importance whatever except as to penetration. Colonel Dixon, the head of the Enfield factory, stated that, "although no extra care was taken with these small bores, the result of their firing in point of accuracy was, at least, as favourable as that shown by the Whitworth rifle." To Lieutenant-Colonel Gordon very great credit was due for the part he had originally taken in introducing the Enfield rifle in 1853, and he regretted that in this instance he had not adopted a more comprehensive view. His observations were based on a comparison between three and six grooves, a point, as he had stated, really of no consequence in this discussion. Unquestionably the most important member of the Committee was General Hay, who, placed as he was at the head of the musketry instruction in this country, was probably the greatest authority, not only in England, but in any other nation, on the question of rifles and rifle shooting. That gallant General said—

> "As the Report contains no general statement of the relative merits of the Whitworth and Enfield rifle ·577 bore, and as the instructions point to the 'relative efficiency' of the two rifles as one of the main objects of inquiry, I have thought it right to make a concise statement, detailing some of the advantages the Whitworth rifle possesses over the Enfield ·577 bore:—1. Great increase of precision and range, which is, comparatively speaking, more marked in windy weather, owing to the great velocity of flight and rotation of its bullet. 2. Much flatter trajectories, which, with reference to judging distances, is of the utmost importance. 3. Great increase in strength and durability of barrel, which is much required. 4. Greater facility for adapting the tube for shells, rendering them most effective even at long ranges. 5. Great increase of penetration (nearly treble) when on special occasions it may be necessary to use the hardened bullets. 6. Shortness of back sight, that used for the Enfield ·577 bore at 900 yards being sufficient for the Whitworth at 1,100 yards. 7. Less weight for the soldier to carry, the reduced bore rendering it possible to use the old weight of bullet—namely, 480 grains—with perfect effect, and with a quarter of a drachm less powder."

But the question of the superiority of the Whitworth rifles over the Enfield did not rest on the testimony of those gentlemen, but on much stronger evidence. The National Rifle Association put forth an advertisement, calling for the most perfect rifle that could be invented. All countries were invited to come forward and compete for furnishing the rifle to be used in shooting for the Queen's prize. Among other arms the famous "small-bore Enfield" was used. The result was that after trial the Whitworth was declared to be the best rifle known, and accordingly it was adopted. This year the same advertisement had been put forward, but no one had attempted to call in question the superiority of Mr. Whitworth's rifle, so that it now stood incontestably the finest rifle in the world. The House would remember that when, at the contest for the prizes, Her Majesty was about to fire the first shot, the rifle was mechanically fixed. The shot was fired from the Whitworth rifle, and it not only struck the bull's eye, but was only an inch and a half from the centre. Considering that the shot was calculated beforehand, and that it was fired in the open air and at a distance of 400 yards from the target, it was probably the most marvellous shot that ever came from a rifle. He remembered going down to Wimbledon and seeing the Swiss riflemen who carried off the first prizes in their own country. They were much distressed at the fact of their own rifles having been detained in a foreign custom-house. Those arms arrived the next day; but on going down again he found the Swiss not shooting with their own rifles, but with the Whitworth. They had laid aside their own, and were shooting with the Whitworth at long ranges. At the French rifle meeting, to which the whole world were invited, Mr. Whitworth was present. He had not been in Paris many days when he received an invitation from the Emperor to an interview at St. Cloud. The interview was a long one. The Emperor entered at great length into all the questions connected with the rifling of small arms and great guns. He told Mr. Whitworth that he was in possession of two of his rifles, and that he much desired to see them shot with. Mr. Whitworth immediately telegraphed for the person who was in the habit of shooting with his rifles. A trial was made at Vincennes; and, at from 500 to 700 metres, Mr. Whitworth's beat the best rifles in the French army by two and three to one. After 700 metres the French rifles were withdrawn, and from that point Mr. Whitworth's shot with its usual successful results. Mr. Whitworth received the congratulations of the Emperor of the French; and, when speaking of the matter to him as an Englishman, he contrasted the prompt and practical manner in which the question had been dealt with in France with the way in which he had been badgered and bullied in this country, after having for so many years given up his valuable time to the improvement of those important instruments of warfare. Not only at the contest which had been inaugurated by the Queen, but at the subsequent great trials, all the best shooting was made either by rifles made by Mr. Whitworth himself, or rifles made on his plan of rifling by Mr. Westley Richards. Mr. Ross won the great prize at Wimbledon with a Whitworth; and the Prince Consort's, the Duke of Cambridge's, and the Duke of Wellington's prizes were all won with breech-loading rifles made by Mr. Westley Richards under licence from Mr. Whitworth. The Enfield rifle was completely snuffed out after 600 yards; a high authority told him that he would as soon go out and play at marbles as shoot with an Enfield rifle over 600 yards. Last year Lord Herbert made a statement, in answer to a question put to him on this subject. He did not think that the noble Lord denied the merits of Mr. Whitworth's rifle, but he said that its cost was so great that it was impossible to adopt it as an arm for general use. His Lordship stated its cost to be £10. On the moment, it appeared to him to be contrary to common sense to suppose that a difference in the barrels could cause such a difference between the price of the Enfield and that of Mr. Whitworth's rifle. He put himself in communication with that gentleman, and received the following letter:—

"Fenton's Hotel, July 12th, 1860.

"My dear Sir,—In reply to your letter making inquiries respecting the Whitworth rifles, I beg to inform you that there would be no difficulty in adapting the Enfield machinery to the manufacture of service muskets rifled on my system. Indeed, I offered upwards of two years ago to give my assistance in making the required alterations. The service muskets rifled on my principle would be manufactured at the same cost as the present Enfield, the quality of workmanship and materials being the same. The only change required would be to substitute the form of rifling adopted by me in place of the triple-grooved form. I feel confident the change could be made without difficulty, and, supposing materials, workmanship, and cost to remain the same, it would afford a rifle having, I believe, at least double the efficiency of the rifle now made. I am of opinion, however, that a slight extra expense—say *5s.*, may be advantageously incurred in making the barrels with greater care; that slightly increased expense would be an economical outlay, as the efficiency of the rifle would be thereby increased in a far greater proportion. Most erroneous conclusions have been drawn from the fact that rifles supplied from my establishment cost £10. It should be remembered that those rifles were manufactured in a newly organized establishment working on a limited scale; that their fittings, materials, workmanship, and finish are all of superior quality; they are, in fact, rifles suited to supply the special demand which exists for them. They are not intended as pattern service muskets, nor can their cost, when manufactured in a private establishment, carried on on a limited scale, be compared with that required to manufacture muskets in such an establishment as Enfield. As a proof of the advantageous application of my system of rifling to the ordinary service barrels, I may refer to the success of Mr. Westley Richards's breech-loaders at the trials at Wimbledon. Mr. Richards made his breech-loaders with ordinary service barrels, and rifled them on my principle, under licence, with his ordinary machines. His breech-loaders were first in the contest for the Duke of Cambridge's prize, and also in that for the Prince Consort's prize. The highest number of points (24) gained at the long ranges—800, 900, and 1,000 yards—were gained by Mr. Ross with one of my rifles; the second highest number of points (22) gained at the same ranges with a like number of shots, were gained by Lieutenant Lacy, with one of Mr. Richards's breech-loaders, having an ordinary service barrel, rifled under licence on my principle.

"I remain, &c.,

"JOSEPH WHITWORTH.

"Hussey Vivian, Esq., M.P."

That letter put the question of cost beyond a doubt. He had handed that letter to Lord Herbert, and hoped he might be spared the necessity of bringing the matter before the House. He thought that the acknowledged superiority of the Whitworth rifle over the Enfield, and the possibility of manufacturing it at about the same cost, would have induced the Government to adopt the Whitworth rifle. In confirmation of his statement, that the Whitworth rifle could be produced for the same sum as the Enfield, he might mention that he had that morning received an assurance from Mr. Westley Richards, that he had manufactured an ordinary service musket on the Whitworth principle, at a cost not one sixpence greater than that of the ordinary musket. He was further informed that last year twenty muskets were made at Enfield in the ordinary manner, as if they were intended to be rifled on the Enfield system. These rifles were sent to Mr. Whitworth, who finished the boring and rifled them on his principle. Before returning them to the Government he ascertained by experiment that the figure of merit of these twenty rifles averaged 6in. at 500 yards, that of the Enfield ranging from 12 to 20in., thus showing a marked superiority even at this short range. These rifles were returned to the Government, on the 13th September, 1860, but so far as could be ascertained they had never yet been tried. They had now 500,000 rifles on the Enfield plan. Lord Hardinge said that 1,000,000 were required by the country. The British Army was so divided that in no country in the world could a new system be introduced more easily. The machinery at Enfield could be perfectly adapted to the manufacture of Mr. Whitworth's rifle, and if this were done and contracts re-arranged in no long space of time 100,000 Whitworth rifles could be issued per annum. The "life" of an Enfield rifle, the barrel of which was thin and the grooves shallow, did not extend beyond twelve years. Within that period of time, therefore, the Government must renew every musket in their possession. This year there were sums asked for in various Votes, which, added together, made an aggregate of £760,000 for small arms. Would the House of Commons permit the Government to go on spending this sum in producing a rifle confessedly worse than that which could be made for the same money? He trusted that the House would consider him justified in occupying its time with this matter, and that hon. Members would support him in his desire to get the question investigated. He might be told that the House was not a proper tribunal for the consideration of such cases; but there were many hon. Members as well qualified to form an opinion upon the relative merits of the Enfield and Whitworth rifles as any of the officers to whom the matter had formerly been referred. A House of Commons Committee was a painstaking, just, and impartial tribunal, and he should have much greater confidence in its decision than in that of the prejudiced officials to whom the Whitworth rifle was referred. He was informed that three out of seven of the Committee that reported against the Whitworth were the originators of the Enfield rifle. Only two members of the Committee could be said to be wholly unprejudiced and impartial, and they were both in favour of the Whitworth rifle. He said, therefore, that the advisability of continuing to manufacture the Enfield rifle ought to be investigated. He should be sorry that the hon. Under Secretary for War should allow the reputation he had gained by the effective manner in which he had done his work to be tarnished by his refusal of a just demand. The present question could not and should not be allowed to rest, for if his Motion were rejected, he pledged himself to renew it next year. He had only to say that when first he took up the question he had scarcely any personal knowledge of Mr. Whitworth. He had no personal interest in the matter, and he had only been induced on public grounds to bring the subject under the consideration of the House.

Motion made, and Question proposed,

"That a Select Committee be appointed, to inquire whether a more efficient weapon than the Enfield Rifle may not be provided for the use of Her Majesty's Forces, without additional cost or serious inconvenience to the Service."

MR. TURNER said, he felt he should be doing an injustice to a distinguished gentleman whom he had the honour to reckon among his constituents if he did not second the Motion. The general opinion in the country, and especially in the district which he represented, was that very scant justice had been done to Mr. Whitworth after the series of experiments which he had carried on for many years to such a successful result, and when the skill, knowledge, and patience that had enabled him to produce a valuable weapon had not been acknowledged by the Government. It was the general opinion that Mr. Whitworth was the most celebrated mechanician of the age, and he had made an ample fortune in carrying to a successful result machinery of the most complicated nature, not only for the manufacture of textile fabrics, but for making the very instruments by which that machinery was constructed. That gentleman's absolute precision in mechanism was now so universally acknowledged that in all the workshops in the world his principles were adopted. It had not been Mr. Whitworth's wish to enter upon the manufacture of these rifles; but, having been applied to by the Government, he gave his skill and energy, and devoted thousands of his money, to carry on experiments which were first originated at the instance of the Government. Mr. Whitworth had no desire to make a fortune by the manufacture of rifles, but he had a desire to bring his skill to bear in producing a weapon which should enable the troops of this country to meet the enemy both at home and abroad with effect. That was the only honour he sought. He should not enter into the details of the question before the House, but it was generally admitted that he had produced a weapon more effective than the one now in use, and at as small an expense. In the hands of a good marksman it was as effective as three or four Enfield rifles, and, therefore, there could be little doubt which ought to be in the hands of the army.

MR. T. G. BARING said, that no one in the House could dissent from the terms in which both the hon. Gentlemen the proposer and seconder of the Motion had mentioned Mr. Whitworth. That gentleman's reputation was an European reputation, and nothing that he could say could add to it. Nor could any one suppose that there existed any interested motive either on the part of his hon. Friend or of Mr. Whitworth, for desiring a more extensive use of that gentleman's inventions. He would add—what his hon. Friend seemed not quite so ready to recognize—that there was no disposition on the part of the officers connected with the War Office and at the head of establishments for the manufacture of small arms to throw obstacles in the way of the introduction of improvements. They were not interested in the manufacture of small arms. They could lay no claim to the invention of the rifle manufactured at Enfield, though, no doubt, they had introduced improvements in it, but there was no jealousy on the part of those gentlemen with respect to the introduction of any improvements into the manufacture of small arms. Therefore, he hoped that the House would put away any notion of "prejudiced officials," and any idea that Mr. Whitworth had been "bullied and badgered" in this matter. He was not aware that Mr. Whitworth had made any such charge against any person with whom he had been brought into communication. Since he had belonged to the department with which he was now connected he had seen no representation from Mr. Whitworth to give colour for the language used by his hon. Friend.

Mr. HUSSEY VIVIAN explained that he had used the expression simply in reference to the Committee on small arms which he alluded to.

Mr. T. G. BARING said, that he was glad to hear the explanation, as he had thought the allusion was made to the officers to whom he had referred, and who he was sure had always acted with every courtesy to Mr. Whitworth. As to the speech of his hon. Friend, he would say a few words on two preliminary matters. First, as to the memorandum written by Viscount Hardinge. What was proposed in that memorandum had been actually carried out under the noble Lord's own instructions; and in consequence Mr. Whitworth was allowed permission to erect at the public expense all that apparatus to which his hon. Friend alluded. Those experiments involved not a small cost, but something like £16,000 were spent, and very properly spent, by Mr. Whitworth at the public cost. Therefore, Viscount Hardinge's memorandum was actually carried out. But if his hon. Friend meant that in consequence of that memorandum all measures for the supply of small arms should have been stopped until the result of those experiments had been ascertained, as that did not take place until 1857, the effect would have been that the supply of rifled muskets to the troops in India would have been very little or none at all. And such a result would certainly not have met the expectations of the House or of the country. Next, with respect to the Report of the Committee, to which his hon. Friend had alluded, he did not think that it was a very great encouragement for the appointment of a Committee of that House, with the view of investigating the same subject, to find that gentlemen of great scientific attainments had arrived at very different conclusions; and when his hon. Friend, in commenting on the constitution of that Committee, objected to certain gentlemen on the Committee as being interested or connected with the manufacture of small arms, he omitted to state that Mr. Whitworth was himself a member of that Committee. [Mr. Vivian: I mentioned that circumstance.] There was no unfairness, therefore, at all events, in the constitution of the Committee, though the proceedings disclosed very different opinions on the part of persons qualified to express a judgment on the subject. His hon. Friend was not correct in saying that no further progress had taken place since the Report of the Committee. Owing to circumstances with which Mr. Whitworth was in some degree connected there was a great delay in preparing arms for experiments; but after those delays were got over it was intended to have a trial of a rifle manufactured by Mr. Whitworth from the same metal used at Enfield with a rifle manufactured at Enfield with a new grooving. That trial, he believed, was now actually commenced, rifles having been supplied on both sides, and it was in progress under the supervision of the Ordnance Select Committee. Therefore, there was no indisposition on the part of the Government to continue the experiments with the view of ascertaining if any improvement could be made in the Enfield rifle, and his noble Friend the Secretary of State for War and all persons connected with the War Office were ready to avail themselves to the utmost of the skill and ability possessed by Mr. Whitworth, in order that the most perfect weapon might be placed in the hands of the British troops.

He would next say a few words with respect to the propriety of altering the bore of the musket used in Her Majesty's service, for that was the main question under discussion. His hon. Friend very much understated the number of Enfield rifles now in use and store. It was rapidly approaching to the amount of the 1,000,000 mentioned by Lord Hardinge, for more than 800,000 were in the possession of the troops or in store. But if a fresh bore were introduced into the service the effect of that would be to re-arm the whole army, at a cost which might easily be calculated. The new rifles would be more expensive than the Enfield, and could hardly cost less than £4 a piece; and the whole of the existing ammunition in store would become useless. Therefore, it was desirable that no change of that kind should take place without due consideration and the clearest proof of its necessity. He would not enter into a discussion of the scientific merits of the different systems of rifling; but even the hon. Gentleman admitted that the Enfield rifle was a better weapon than was in the hands of any other army in the world, and he thought that, putting those two facts together, the House would think Her Majesty's Government were justified in hesitating to make a change before it was clearly proved that a weapon could be introduced superior to the Enfield rifle, not only in range but in the many other no less necessary qualities for use in war. Another reason he had to offer for not consenting to the Motion was that in a matter of so scientific a nature it was impossible for a Committee of the House of Commons to arrive at a satisfactory conclusion. Experiments were necessary, which it would be impossible for a Committee of the House of Commons to superintend. The Government objected to the Motion, not upon the ground that no improvements could be introduced into the weapon in question, but because they believed that those improvements should be most carefully considered, and that a Committee of the House of Commons had neither the power nor the time to enable them to arrive at a satisfactory conclusion upon a matter of that description. He would simply add that he thought the present Ordnance Select Committee was a tribunal perfectly competent to advise the Secretary of State upon such points, as was evinced by the fact that great satisfaction had been given in those cases reported upon by them; and he would observe that no nation in the world possessed ordnance better adapted to the service than ourselves. That we were in that position was, he had no doubt, partly to be attributed to the care and attention which the Ordnance Select Committee had bestowed on all the proposals and inventions which had been brought under their notice, and the House might rest satisfied that the Government would not be found neglectful of any improvements which Mr. Whitworth or any other man might bring forward; while there remained the assurance that all the suggestions which might be made on the subject would be properly weighed by persons who had not only a scientific knowledge of the weapons themselves, but also a practical acquaintance with that which the soldier required for service in the field.

MR. NEWDEGATE said, that, remembering the improvements in small arms effected between 1851-4 by the late Viscount Hardinge, not without the assistance of a Committee of that House—and recollecting the large sums which the House was called upon to Vote for small arms, he was not surprised that the hon. Gentleman should have brought forward this Motion. In 1850-1 Viscount Hardinge discovered that the French army was armed with a weapon much superior to that which was placed in the hands of the British soldier. He could answer from personal knowledge that when Viscount Hardinge set himself to repair that deficiency, he met with obstacles which would not have been removed but for the assistance of such competent civilians, as Mr. Westley Richards, and the extraneous action of that House. There was an unwillingness on the part of those who were officially charged with the equipment of the army to make changes, which only the interference of that House could overcome. They had to thank the right hon. the present Chancellor of the Exchequer during his former tenure of office for the willingness which he manifested to grant funds for the conducting of these experiments, the practical issue of which was the question now before the House. Having voted the funds with which these experiments had been made by Mr. Whitworth and Mr. Westley Richards, united in a Commission for this purpose, and having, at so much expense to the country, ascertained the results of their experiments, would the House now bring them into practical operation? His belief was that it was idle for the Government or the House to imagine, in an age of progress, that if they did not adopt the improvements which were offered to them other Governments would not do so. From his own personal knowledge he could state that other Governments were attempting to monopolize for themselves the results of the experiments which had been conducted at so much expense by this country. He thought, therefore, that the hon. Gentleman opposite had done the country good service in bringing this question before the House. He did not wish to impugn the conduct of the gentlemen who were officially employed by the Government in this department; but it was impossible that gentlemen specially employed in the manufacture of a particular description of weapon should not become wedded to it; and he had good grounds for believing that the same obstacles were thrown in the way of improvement now, that Viscount Hardinge encountered previous to 1854. The evidence taken before the Small Arms Committee of 1854 proved incontestably the disinclination on the part of officials for change. No doubt, the changing of the bore was a very serious question, for it was most inconvenient that the arms borne by the army should be of different bores. Still he would ask the House to consider how the battles of Alma and of Inkermann were won. It was well known that the troops engaged in them had muskets of different bores in their hands. Some had the old smooth musket, some the rifle which succeeded it, and some had the Enfield rifle, which had since superseded them all. It was clear, therefore, that the difference in the bore did not prevent our soldiers from securing victory. The hon. Under Secretary of War stated that our troops were armed with the best weapon of any army in the world. He (Mr. Newdegate) rejoiced in sharing that conviction; he wished that that advantage should be continued to our soldiers, and in order to effect this object that the Government should adopt those further improvements which were called into existence at the expense of the country, and which had been tested in a competition against all comers. That House ought not to attempt to dictate but to suggest to the Government whether the Reports of their own official Committees on this matter ought not to be adopted. The hon. Under Secretary for War told them that they had now in store 700,000 or 800,000 muskets of the Enfield pattern. He was glad to hear it, as it proved that the country was for the present safe, but it also showed that they need not stand still, but were in a condition to make improvements in the composition of the musket. The hon. Gentleman who made the Motion spoke of the indisputable excellence of Mr. Whitworth's rifle. He, for one, did not wish to dispute that assertion: but he would remind the Committee that the rifle of Mr. Westley Richards was also produced before the Committee, and he recollected hearing Viscount Hardinge urge on Mr. Westley Richards that he should never consider the improvements complete till the English Army had a breech-loading musket. Now, experiments had proved that Mr. Westley Richards' breech-loading rifle was in several respects superior for military purposes to Mr. Whitworth's musket; and he rejoiced to know that the Government was about to arm the cavalry with a breech-loading carbine of Mr. Westley Richard's pattern; and he hoped that would prove a step towards the realization of Viscount Hardinge's anticipation, and that our whole army would continue to be, as it is now, armed with a weapon superior to that of every other army in the world.

CAPTAIN JERVIS said, he had never before heard so many remarks with so little foundation. In the first place, it was argued that there was an opposition to the Whitworth rifle on the part of the officials, which only showed the profound ignorance of those who made that charge of the way in which those things were managed. If any inventor had a new idea he sent it to the War Office, and it was submitted to be tested by the Ordnance Select Committee or by a Special Committee. If their report was favourable, then the Secretary of State directed the departments to manufacture so and so, and it was done. It was nothing to the department whether they manufactured Mr. Whitworth's rifle, or Mr. Westley Richards' rifle, or the Enfield, or any other rifle. In 1852 those improvements were commenced which resulted in equipping our army with the best weapon in the world. The whole small arm trade of this country was called upon to submit improvements on the arm then in use. A Committee of General Officers was appointed at the Ordnance Office to maturely consider their proposals, and a sub-committee was appointed which went to Enfield to try experiments, because there happened to be a range there. The result of that Committee's Report was that the present pattern arm was adopted; and it was called the Enfield pattern, not because it originated there, but because the experiments of the sub-committee had been carried on at Enfield. It was then the question was raised how far the bore of the musket could be reduced without endangering its efficiency in the field, and it was reduced from 7·02 to 5·77. The hon. Member for Warwickshire said that the French musket was superior to ours in 1854.

MR. NEWDEGATE: I beg pardon—I meant to say 1853.

CAPTAIN JERVIS: Well, the next question was as to the accuracy of fire at long range; and it was said that in that respect the Whitworth rifle was superior. But when his experiments were made a clear and broad principle was laid down, that all arms should be tried under equal and similar circumstances—in other words, that there should be no reduction from the size of the Enfield bore. Now, Mr. Whitworth, who was eminent for his mechanical skill, could not produce better shooting than the Enfield rifle without reducing the bore. He departed, therefore, from the rules laid down and did reduce his bore to 4.5. He (Captain Jervis) objected, therefore, to the question being put whether they ought to adopt the Enfield or the Whitworth rifle. The real question was whether they would reduce the bore or not? and if they determined on reduction, then they ought to do as they did before—they ought to call in the whole trade to the competition and see whether, with a reduced bore, a better weapon could not be produced than even Mr. Whitworth's? But, then, that House was not the place to decide the experiment. The arming of the troops was one of the prerogatives of the Crown, and it was almost absurd to suggest that a Parliamentary Committee should constitute themselves a tribunal for deciding what arm should be given to the service. Such a Committee could not sit in the lobby to take evidence. The experiments must be conducted at Shoeburyness, and they would necessarily extend over a considerable period of time. He might, for instance, take the question on which there was great objection to Mr. Whitworth's rifle—that of fouling. It would require more than a few weeks to decide that point alone. The experiments ought to be tried during the great heat of summer, and some muskets ought to be sent out to be tried in India. He would only say, in conclusion, that there was no hostility to Mr. Whitworth on the part of those engaged in previous inquiries. Their great and, indeed, only anxiety was to see that the best arm was supplied to the troops, and there was not the slightest foundation for the statement that they subjected Mr. Whitworth to a severe badgering.

MR. MONSELL said, he wished to correct the hon. Member for Warwickshire on one or two points. In the first place, it was not correct to say that the British army in the Crimea had muskets of different descriptions. In the second place, so far was the Committee of that House which sat in 1853 from being of any advantage to the adoption of any improvements, that he could state considerable delay in the adoption of those improvements was caused by them. He agreed with the hon. Member for Glamorgan that they ought to take immediate steps to ascertain the relative merits of the Whitworth and Enfield rifles as quickly as possible, but he doubted whether a Committee of the House of Commons could render any assistance in the investigation of that subject. The hon. Under Secretary for War had omitted to state why the Government had not exerted themselves more during the last two or three years. Much valuable time had been lost; but if the House could obtain a pledge from the Government that they would take the matter into their serious consideration, and that they would cause experiments to be made without unnecessary delay, he for one would be satisfied with that assurance. Something had been said about the inconvenience of having two bores in the service. Let the Government ascertain, in the first instance, which was the best weapon, and then the difficulty as to the bores would soon and easily be overcome.

MR. T. G. BARING stated that experiments were either then in progress, or would be commenced in a few days.

LORD ELCHO said, he hoped that the Government would endeavour to have the experiments for ascertaining the comparative merits of the two rifles prosecuted without delay. He had not the slightest doubt as to the superiority of the Whitworth rifle over the ordinary Enfield. Experiments had been made at Hythe for the purpose of ascertaining which was the best weapon to be used in the competition for Her Majesty's prize at Wimbledon. The result showed that the best Enfield gave a mean deviation at 500 yards of 12 inches, and the best Whitworth a mean deviation of 3½ inches. The average deviation of the best Enfield at 500 yards was 17 inches, and of the best Whitworth 6 inches. In point of accuracy every one would admit the superiority of the Whitworth rifle. The only question was whether there ought to be a different bore? His impression was that the division commanded by Sir George Cathcart in the Crimea was armed with Brown Bess. With regard to bore, there had been an impression among sportsmen that a large bore was best to kill deer with; but now not a single deer-stalker went to the Highlands with a large bore rifle, because it was found that the small bore killed equally well. The question of destructive results depended on the weight of the ball multiplied by the velocity; and the velocity with the small bore was much greater than with the larger bore. He had heard it stated that during the late war in Italy the Austrian soldiers were armed with rifles of smaller bore than those used by the French, and it was noted that the Austrian soldiers recovered more quickly from their wounds than the French soldiers. The opinion of General Hay was that there was no fear of fouling as regards the small bore rifles; and his impression was that the small bore rifle would be by far the best military weapon. General Hay had been on the Committee, but was not satisfied with the manner in which the experiments had been conducted. Not that the members had any personal interest, but naturally people had a prejudice in favour of what they were engaged in. He, therefore, thought it desirable that some independent inquiry should be instituted, such as might be conducted by Members of that House, not to make experiments at Shoeburyness, but to examine General Hay and other scientific witnesses, and to bring common sense to bear on the question. Mr. Whitworth, it should be remembered, was not a gunmaker, he was what might be called the prince of toolmakers; and the great good he accomplished was that for the first time scientific principles were brought to bear on riflemaking. Gunmakers were not educated scientifically; from apprentices they became workmen, foremen, and masters, but they generally proceeded on the traditions of their trade, not on scientific principles. Mr. Whitworth had applied to riflemaking the best mechanical science, and Viscount Hardinge, to whom they owed much, had shown his wisdom and prescience by applying to Mr. Whitworth upon the subject. Mr. Whitworth had conducted the most extensive experiments; for instance, as to the form of the ball, he had 500 shapes, and so with regard to the length of the barrel, the different modes of rifling and spirality. The Whitworth rifle had a much more rapid spiral, and at long range was infinitely superior to the Enfield. Were they to increase the spiral of the present Enfield rifle they would get much better shooting, without increasing the fouling or in any way breaking the guage. Talking of prejudice and interest, he had stated that Mr. Whitworth was not a gunmaker—he was an outsider. When he was brought in by the Government to tell the best principles on which rifles should be made there naturally arose a feeling of prejudice against him; and he repeated the Government ought in these matters to be guided by the opinion of General Hay, who had to try all the rifles, who knew where every one came from, and who registered every shot fired at Hythe. That register was open to inspection, and the results showed that Mr. Whitworth had hitherto been most successful. Her Majesty had been graciously pleased to give the National Rifle Association a prize for £200. The association thought for the honour of England that prize should be shot for at the longest possible range and with the best possible description of rifle. If they had had reason to think that the Enfield could have shot accurately at 1,000 yards, unquestionably they would have recommended the Enfield rifle, being the arm with which the majority of the Volunteers were armed, but the tabular results showed that with the Enfield they could not have extreme accuracy at a longer range than 600 yards. They had, therefore, been obliged to get some other weapon; and while all gunmakers were invited to try their rifles at Hythe, the only persons who tried last year were connected with the Birmingham gun trade, with rifles of the same bore as Mr. Whitworth's, but on the Enfield system and with their own projectiles. The results were hollow in favour of the Whitworth rifle. This year no competitor appeared, and again the Queen's prize would be shot for with the Whitworth rifle. As regards precision and accuracy, the question did not admit of dispute, and to show what had been done by Mr. Whitworth it might be stated that in 1853 the mean deviation of rifles by the crack gunmakers at 500 yards was 35 inches, while in 1857 Mr. Whitworth had constructed a rifle which, when fired before Lord Panmure at the same distance, gave a mean deviation of only 4½ inches. He could not help thinking they might find Members of that House wholly unprejudiced, and quite capable, whether as military men or sportsmen, to give a fair and impartial decision on that most important subject.

MR. FRANK CROSSLEY said, he could not but express his disappointment at the Government being unwilling to accede to the Motion. What had made Lancashire and Yorkshire celebrated was the great improvements in machinery made by machinery, and not by hand, and in that part of the country Mr. Whitworth had taken a high position. If they appointed a Committee of Members of that House, they would be able to examine into all the improvements made in small arms which would be brought before them from all parts of the world. He for one should have more satisfaction in voting the Supplies if he felt such an assurance as an inquiry before a Select Committee might give that the public money was spent in providing the army with the best possible weapon that could be obtained.

VISCOUNT PALMERSTON: Sir, I wish to say only one word in order to assure the House that I am not at all insensible to the great importance of furnishing the army with the best possible weapon. In fact, the great improvements of the last few years may be appealed to as a sufficient proof that the attention of the Government has been directed to that, as well as to other similar objects. But what was stated by my hon. Friend the Under Secretary of State is quite true, that this is an inquiry which more properly belongs to a department of the Government than to a Committee of the House of Commons. I think, with all deference, that of late we have rather had a tendency to assume to this House the executive functions of the Administration. This is hardly a duty which a Select Committee can satisfactorily or usefully perform. It is evident, for reasons into which it not necessary to enter, that it is not a function which Members of this House can with equal advantage discharge. In the first place, an inquiry of this kind does not turn upon reasoning based simply on matters adduced in the examination of other people, but it is requisite that those who are to form a judment and make a report should be able themselves to verify the statements and opinions given by the different witnesses whom they may call; and it is quite clear that it is impossible for a Committee of the House of Commons to do that with the facility with which it can be accomplished by the Executive. There is no reason to think that the War Department, or those who act under its direction, feel any prejudice or interest in the matter, or have any other motive to guide them in coming to a decision than a real desire to arrive at the truth, and to ascertain not only which would be the best weapon, but, moreover, whether the superiority of a given weapon over another is so great as to counterbalance the additional expense and other inconveniences which might result from a general change of armament throughout the service? This matter had, I think, better be left in the hands of the Government, who, I can assure the House, are now pursuing the very inquiry which my noble Friend suggested ought to be the object of the Committee—namely, a comparison of the rifles made on Mr. Whitworth's principle and those made on the Enfield principle. I repeat, that it will be the duty of the Government—a duty which they will sedulously perform—to ascertain with the greatest possible accuracy what is the best weapon, and when that has been discovered, also to ascertain whether the degree of superiority in the weapon deemed the best is such as to make it worth while to effect a change in the equipment of the whole army?

MR. HUSSEY VIVIAN briefly replied. The issue of the discussion was so far satisfactory that if the Government gave an assurance to the House that the question should be fully and impartially investigated, and that at the beginning of next Session the result of that investigation should be laid on the table of the Houses he should not now press his Motion to a division. He wished further to say that he had had no intention whatever to impute any personal interest to the officer, who composed the Committee on the Whitworth and Enfield rifles. All he meant was that, under the circumstances, for which they certainly were not individually responsible, they could not bring a perfectly judicial mind to bear on the inquiry.

COLONEL PENNANT said, he was glad to hear the hon. Gentleman had withdrawn the implied accusation of partiality against the officers who had formed the Members of the Committee. Those officers were men of the highest character, who had done their duty faithfully and to the best of their power; and there was no ground whatever for impugning their impartiality.

Motion, by leave, *withdrawn.*

INDUSTRIAL AND PROVIDENT SOCIETIES BILL.—LEAVE.

FIRST READING.

Mr. SLANEY said, he rose to move for leave to bring in a Bill to amend and extend the Act for co-operative and provident societies. The House had just been discussing improvements connected with the art of war, and he hoped it would not now refuse its attention to a subject connected with the arts of peace and the improvement of the condition of the working and humbler classes. Of late years the population of the towns had increased three times as much as that in the country, and the intelligent classes in those towns were now exceedingly numerous. That increase gave them a claim upon the consideration of the House, and among the discoveries of the present age none had been more valuable to the poorer classes than that of combination and co-operation in trading societies. For a length of time this large class of persons had no means of investing their money except in savings' banks. A few years ago an Act had been passed for that purpose, but it was faulty in this, that it was found the constitution of the bodies so formed made each member a partner, and by that means brought them into Chancery. Advantage had been taken of the Act, however, and in many of the large towns societies were in active operation in which the members purchased provisions at wholesale prices, sold them for ready money, and divided any profit that might accrue among themselves. Mills also had been started, and various other operations were set on foot, the advantages of which were in the highest degree satisfactory. Amongst others who supported these societies were the hon. Member for Rochdale, and Mr. Hill, the Recorder of Birmingham. The object of the Bill he wished to introduce provided that the principle of limited liability, which was applicable to all commercial undertakings, should apply to these co-operative societies. There were other slight extensions of the present law which would be of great value to the working classes. He should propose to introduce the Bill, and have it printed, when, if there were not time sufficient in the present Session to carry it through Parliament, an opportunity would be afforded to Members of considering its provisions.

Leave *given.*

Bill to consolidate and amend the Laws relating to Industrial and Provident Societies, *ordered* to brought in by Mr. Slaney, Mr. Cobden, and Mr. William Ewart.

Bill *presented,* and read 1°, to be read 2° on *Thursday,* 4th July, and to be *printed* [Bill 206].

EDUCATION—DISSENTERS' SCHOOLS.

PAPER MOVED FOR.

Mr. DILLWYN said, he rose to call the attention of the House to certain inaccuracies which occurred in the Report of the Commissioners appointed to inquire into the state of popular education. The returns of the Dissenters' schools were very incomplete, the Dissenters having—as he thought, unwisely—held back from giving the information required from them. The consequence was that the report did not set forth the real amount of education provided by Dissenters. He understood the Government did not object to the return he should move for, and he was informed that the Education Commissioners were willing to give it. He would, therefore, conclude by moving an address for a copy of the Report to the Commissioners appointed to inquire into the state of popular education by the committee appointed by them for the purpose of obtaining an enumeration of Dissenters' schools.

Sir GEORGE LEWIS said, he did not object to the production of the Report, but he wished it to be understood that there had been no neglect on the part of the Commissioners. The principal inaccuracy arose from the omission of an explanatory note, the Commissioners being desirous of bringing their Report within moderate limits.

Motion *agreed to.*

Address for a

"Copy of the Report to the Commissioners appointed to inquire into the state of Popular Education by the Committee appointed by them for the purpose of obtaining an enumeration of Dissenters' Schools."

THE NULLUM TEMPUS ACT CROWN SUITS LIMITATION BILL—LEAVE.

FIRST READING.

Mr. MONTAGUE SMITH said, he wished to move for leave to introduce a Bill to amend the Act of the 9th years of King George III., cap 16, for quieting possessions against the Crown, and certain Acts relating to suits by the Duke of Cornwall. The object of the Nullum Tempus Act, which was passed a century ago, was to give the subject quiet possession of lands which had once belonged to the Crown, after a possession of sixty years; but there were provisions in the Act which defeated that intention, in cases where the land had been in charge during that time. The receipt of rent also for a manor prevented the limitation applying to all lands within the manor. Lands were held to be in charge when in the rolls delivered to the receivers or auditors of the Crown, rents were charged against them. And although these rents were never received or even demanded of the persons in possession, and although the receivers or auditors should return "nil," this secret proceeding was sufficient to put the lands in charge, and to save the right of the Crown. He proposed to repeal these unjust provisions. With regard to the Duchy of Cornwall, an Act was passed in the last Session which contained a provision that the receipt of rent for a larger territory should not deprive a person of a smaller territory, who had held adverse possession of it for more than sixty years. But, notwithstanding the efforts of the landowners of Cornwall, they could not obtain in that Act a repeal of the provision respecting lands held in charge, the Duchy of Cornwall then objecting to be placed in a different position from the Crown in that respect. The effect of his proposed Bill was to make sixty years' possession by the subject a good title both as against the Crown and the Duchy, which was, in fact, the intention of the Nullum Tempus Act. The hon. and learned Member for Wolverhampton (Sir Richard Bethell), who was a very high authority on the previous day, and who was, he presumed, the highest authority in the law to-day, was, he believed, favourable to the Bill, and last night he intimated that he had no objection to its introduction. He, therefore, moved for leave to bring in a Bill to amend the Act of the 9th George III., cap. 16, for quieting possessions against the Crown, and certain Acts relating to suits by the Duke of Cornwall.

THE SOLICITOR GENERAL said, he had no objection to the introduction of the Bill, but he must reserve the right to consider the various clauses of the Bill in Committee.

Leave *given*.

Bill to amend the Act of the ninth year of King George the Third, chapter sixteen, for quieting possessions and titles against the Crown, and also certain Acts for the like object relating to Suits by the Duke of Cornwall, *ordered* to be brought in by Mr. MONTAGUE SMITH, Mr. ROLT, and Mr. BOVILL.

Bill *presented*, and read 1°, to be read 2° on *Friday*, and to be *printed* [Bill 103].

SUPPLY—ARMY ESTIMATES.

Order for Committee read.

House in Committee.

Mr. MASSEY in the Chair.

(In the Committee.)

Motion made, and Question proposed,

"That a sum, not exceeding £690,159 be granted to Her Majesty, towards defraying the Charge of Barracks at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March, 1862."

MR. BERNAL OSBORNE remarked that much had been said by a Member of Her Majesty's Government of the great expense which they were incurring, and the Committee would do well to consider the Vote before them, inasmuch as one item for the erection of buildings of a more permanent character at Aldershot, which involved a very large expenditure. It could not be said that the parsimony of Parliament had ever interfered with military expenditure; on the contrary, it seemed to be an established dogma in the House that whatever lavish expenditure the Minister called for on the army should be granted *sub silentio*. We were surrounded by "the pride, pomp, and circumstance of war" on every side—cast-iron forts on the shoals at Spithead, Volunteers camps at Shorncliffe, Colchester, and the Curragh; and, lastly, this monument of extravagance, the camp at Aldershot. The original Vote for Aldershot was asked for in February, 1854, on the express understanding that it was to be a camp where certain bodies of troops should be assembled for periodical exercise in the summer months. But it had since been converted into a permanent barrack. He had no wish now to go into the policy of bringing a large body of troops together during the whole year, though he believed it had a tendency to demoralize the men, and certainly not to improve the morals of the neighbourhood. The original sum contemplated for the purchase of land was £100,000, and in 1854 the Government announced that they had purchased 7,000 acres, at an expenditure of £156,000, or about £20 an acre—a capital bargain, as it was said to be; though he held it to be the dearest purchase the Government ever made. The first mistake in that unhappy business was the selection of the site. Part of it was a swamp, which had to be drained with great difficulty and great expense. Then there was no supply of water to be got. The Royal Engineers were set to work, and a pretty mess they made of it. They dug holes in all directions only to fill them up again. He was sorry not see the hon. and gallant Member for Chatham (Sir Frederic Smith) in his place, for he knew something about the business. But it was not very strange that he was not there, seeing how impossible it was for anybody to know when the Army Estimates were likely to come on. Then Mr. Simpson, a civil engineer, was set to work, and at an expense of £26,568 he succeeded in getting water two miles off. People in the Metropolis had to pay pretty heavily for water rates, but £26,000 for getting water two miles off was a nice nut for the financial reformers to crack—if any there were either in the House or out of it. Then the ground was so bad that the camp had to be gravelled at an expense of £12,800, an expense which was entirely owing to the improper selection of a site. Then came the most extraordinary business of all—the erection of the temporary huts. In the Estimates of 1854-5 there was a sum of £175,000 taken for the erection of temporary buildings or huts. In the return which he had moved for it was said that no special estimate was made of the cost of the huts, because it was not determined how many men would have to be provided for, but, however, £175,000 was the sum taken. The sum was granted, of course, and then the matter was forgotten; but he hoped that the return he had moved for would have the effect of inducing hon. Members to look more narrowly into such matters, and to follow up their history. The huts were found to be not only bad in design, but infamous in construction. They were neither watertight nor airtight. The Government then entered into a contract to cover the huts with patent felt at an expense of £14,000; but then even they were found not to be watertight, and another contract was entered into to tar them over. Certainly those who had constructed them ought not only to be tarred, but feathered; at any rate, they had feathered their nests well. The whole expense of erecting these huts for Aldershot and other stations had been £796,100—at Aldershot alone they had cost £496,000—and yet they were now in a state of utter rottenness and decay. He should very much like to hear what the Government intended to do with these huts now. After the construction of the huts it was determined to erect permanent barracks for 6,000 men at an expense of £250,000; but then the wise engineers employed, instead of selecting a site which would have allowed room for expansion, went to the very verge of the boundary of the 7,000 acres, and fixed on a site in a hollow, which was very difficult to drain, and which formed a very bad site altogether. Then they found they had omitted a hospital, and, there being no suitable site, they were obliged to give £2,000 for a couple of acres to build one upon; whereas, if the land had been purchased in the first instance, it might have been bought for £20 an acre. And now, through building these permanent barracks on the very verge of the boundary, a town had sprung up on the private property adjoining, which contained every element of demoralization. Great as was the reputation of this country for blundering, there had never been such a succession of blunders made as in the Aldershot business. The public had now got what many people imagined a very splendid site, and a very splendid pile of barracks. But he was informed, by persons competent to form an opinion, that the barracks, though constructed on an expensive system, were very defective. He believed that in May they were nearly burnt down, owing to the flues being made of half brick, and many of them resting on wood. At all events, he could say that the authorities had been in a great hurry to provide the barracks with fire escapes. Then the cooking houses were stuck right under the barracks, and expensive lifts were made—on the model, he supposed, of those at the Carlton and Reform, in order to send up the men's dinners. These lifts had never been used at all. It had been found also that the cooking houses were in the wrong place; they ought to have been detached, instead of being so placed as to roast the soldiers in summer as well as in winter. But this was not all. When the Aldershot Camp was first established iron stoves were provided for 20,000 men. What happened? They were condemned, and were sold as old iron. Captain Grant, a very able Artillery officer, then set up a most effective cooking apparatus for 50,000 men, which had been in use for six years. He had since been informed that Captain Grant's apparatus was to be knocked on the head, and a new office had now been created—the office of Instructor of Military Cookery. Mr. Warrener had superseded Captain Grant, and had set up a cooking apparatus as an experiment—an expensive one, no doubt, as most of these experiments were. Next, there was a system of ventilating barrack grates. Three thousand of these were put up, costing £3 10s. a piece. They were, of course, admirable for every purpose except that for which they were intended, and fifty tons of them had been sold for old iron. It was necessary to put up others in their place, and altogether that experiment had cost not less than £25,000. It would be curious to know the total cost of the barrack stores which had been applied for and condemned at Aldershot. The Vote, which commenced as a temporary encampment, and amounted to £100,000, had swollen to £1,500,000; and he thought he had stated enough to show that it was time to put a stop to such a system. If the blundering at Aldershot had occurred in the sister country, the thing would have been stamped for ever; but, happening in England, he supposed it would only be pointed to as an instance of the solid good sense of John Bull. He hoped that if there was any solid sense in John Bull, and if there was any regard for the public purse in that House, that Aldershot would be looked upon as an example to be shunned, and that the House would not, year after year, be content to vote enormous sums without being persuaded that they got value for their money, and that they were not paying through the nose for that very expensive article—a standing army.

Colonel NORTH said, the hon. and gallant Member had brought the subject forward with great fairness and great accuracy, and he wished, in addition, to call attention to a statement made two or three years ago by the Commander-in-Chief with regard to barracks. His Royal Highness stated that he constantly visited different barracks in this country and always found that many things were wanted, but as he did not hold the purse-strings of the nation he could only represent the facts to the Government; that he had represented this accordingly, but he was met by the answer that, though the improvements suggested might be all very well and desirable, the Government had no money. That statement of the Commander-in-Chief was denied in "another place," very much to the surprise of officers of high rank in the service. There was no doubt that many of the improvements introduced into the army had been at the cost of barrack accomodation. Libraries and reading-rooms, for instance, had been formed out of what would otherwise have afforded barrack room; and the men had been crowded into their apartments in order to meet the feeling of the age. The hon. and gallant Member had referred to the manner in which repairs were done in barracks, and the enormous expense attending the minor details of such repairs. The difficulties officers had to contend with as to barrack repairs was illustrated by a case that occurred in London, and which was of such a nature that he could not believe it till he went to the barracks and ascertained that it was true. Some of the stoves in the Regents' Park Barracks were out of order, and an order was made that they should be repaired. They were taken out of their places for the purpose, repaired, and brought back. When they were brought back, and shown to the quartermaster, he approved of them and directed that they should be refixed. But it appeared that the word, "refix" was not in the order, and it took from the 26th of November to the 6th of December to get that defect in the order supplied; and in the meantime the stoves not being refixed they could have no fires, and great inconvenience was experienced. If such a thing could occur in the heart of London, in the barracks of the Guards, what might not happen in distant colonies? In 1855 he had himself brought forward a proposal for putting up an apparatus for drying soldiers' clothing at Aldershot. The Reports of the Barrack Committee and Sanitary Commissioners showed that much of the disease in the army was caused by the soldiers having no means of drying their clothes. An apparatus had been invented by Mr. Huthnance, fully carrying out the recommendations of these bodies. That invention he brought under the notice of the Secretary for War; it was ordered to be reported on, and the Report was against the apparatus. He found on inquiry that the officer who reported against it did not even see it. He then requested that an officer should be sent to Chipping Norton, where the apparatus was at work, to report on it again. That report was most favourable to it, but no notice was taken of the invention till General Peel became Secretary for War.

He ordered it to be put up at Aldershot, and General Knollys spoke very favourably of it. As the cost of the apparatus itself was only £40, he was surprised to find the whole cost of the drying-room put down at £394; of this sum it appeared £40 was paid for the apparatus, and £30 for the expenses of the inventor for attendance at different times. The remainder of the sum, £324, was the cost of building the drying-room, though it was only 19ft. 7½in. long, and 16ft. wide, and 13ft. high, a bare room, not even plastered, but whitewashed. From the difficulties he had to contend with about this apparatus, any one might have supposed he was himself the inventor of it, or had some percentage or profit on the transaction. The apparatus was afterwards put up in a drying-room in the Tower, and anything so scandalously done he had never seen. On asking the inventor how he could have allowed it, he explained that every suggestion he made was overruled by the clerk of the works. At the Kingston-on-Thames Workhouse the improved drying-room he had referred to was to be seen in operation. It dried 3,400 articles a-week, the cost of the coal from the Monday morning to the Saturday night being only 4*s.* 5*d.*, and the whole outlay for the building and apparatus £110. The Laundry Establishment at Chatham was said to have cost £900, but he believed that £1,800 was nearer the mark, and yet the hot closet was capable of drying only 192 shirts in 8 hours, with a consumption of 15 bushels of coal. The improved drying-room dried 308 shirts in 2½ hours, with a consumption of 70lb. of coal in the 24 hours. It was utterly impossible that the Report which had been laid on the Table could be correct, and he trusted that the Government would consent to a thorough investigation of the subject.

Mr. MONSELL said, he trusted that the very useful improvements which the hon. and gallant Member (Colonel North) had described would be introduced into the military service. With reference to the observations of his hon. Friend the Member for Liskeard, he maintained that the purchase of land at Aldershot was a very cheap bargain. It had been bought at the rate of £20 an acre. It was true that a further outlay was afterwards necessary for drainage and other improvements; but he (Mr. Monsell) believed that if the land had been in a condition which would not have required that outlay it would have been idle to expect that it could have been purchased for the very moderate sum of £20 an acre; and he felt persuaded that if the troops were removed and the land put to sale it would bring a much larger price than the whole outlay for the purchase of land, and drainage, and other works. No doubt, it was originally intended for a camp; but it was very fortunate that it was capable of being used as barracks when the necessity arose. Since the peace of 1815 it had unfortunately been the habit to dispose of many of the buildings which during the great war had been used for the accommodation of troops; and on the breaking out of the Crimean war, when the army was increased and the militia embodied, it was found that we had an enormous number of men unprovided with proper barracks. The military authorities deemed it advisable to erect a large number of huts at Aldershot, the Curragh of Kildare, Shorncliffe, Colchester, and other places. The first were erected at Aldershot, those which were erected at Shorncliffe were better, and those at the Curragh were best of all. Those at Aldershot were erected under great pressure, and it was absolutely necessary to erect them quickly. He agreed with his hon. Friend that the barracks should not have been erected in the corner of the land. He certainly never could understand the expediency of that, but the highest military authorities were of opinion that that should be the site of the building. With that single exception he believed those barracks were very successful, and that they had been erected at a smaller cost per man than any barracks that had been erected elsewhere. The first intention of Lord Hardinge was to have barracks built according to the Belgian system, but in deference to other military authorities first-class barracks were substituted. That accounted for the difference between the first estimate and the actual expenditure.

Colonel GILPIN said, that as one of the officers who had been first stationed at Aldershot, he could bear his testimony to the pressure which was made to get the huts up, and he believed that was the cause of their inefficiency, as they were consequently commenced during a frost, and had no brick foundations. With regard to the permanent barracks, they were most admirably constructed, and were altogether most efficient. If barracks were more costly than formerly, it was in consequence of the recommendation of the

Select Committee that greater space should be given to the men, and especially to the married soldiers. His object in rising, however, was to call attention to an item in the Vote of £50,000 for sanitary purposes. It was very well to have a sanitary commission for one year, but he thought the House would hardly sanction the perpetuation of it. There was one item included in that £50,000 which he hoped even financial reformers would assist him in dividing the Committee upon. He alluded to an allowance of three guineas a day to a civilian medical officer. Now, seeing that they were paying over £62,000 a year for a medical staff at home, it was hardly necessary to appoint a civil medical officer to such a post. Under these circumstances, he should move the reduction of the £50,000 by £1,150, the amount of the salary of the civil officer.

Motion made, and Question proposed, "That the item of £50,000 for the 'Sanitary Vote,' be reduced by the amount of £1,150."

Sir JOSEPH PAXTON said, that the hon. and gallant Member for Chatham had nothing to do with the design of the huts at Aldershot, which were most miserable erections. They were totally unfit for soldiers or any other persons to live in, as the ventilation was two or three feet below the heads of the occupants, consequently they had to breathe a deleterious atmosphere. The great mistake that was made at Aldershot was the omission to construct the camp on a permanent and comprehensive plan. But he was bound to say that the Aldershot barracks were the best and cost the least of any that he was acquainted with. He did not think the cost of gravelling and draining and preparing the ground at all extravagant.

The CHAIRMAN said, that as the reduction of an item in the Vote had been moved the debate must be confined to that question until it was disposed of.

Mr. CHILDERS said, he hoped that the hon. and gallant Gentleman would withdraw his Amendment, at least, until the Under Secretary for War had replied to the statement of the hon. Member for Liskeard.

Colonel GILPIN said, he had no objection to withdraw his Amendment, on the understanding that he should have an opportunity of renewing it, when he should certainly take the sense of the Committee upon the question to which it had reference.

Motion, by leave, *withdrawn.*

Original Question again proposed.

Mr. HARVEY LEWIS said, he was willing to admit that he had the honour of entering the House as a financial reformer, and he considered himself an independent Member; but when the present, or any other Government proposed anything which might be necessary for the defence of the country, they should have his warm support; while, on the other hand, he should most unquestionably oppose anything like extravagant expenditure. It appeared to him that no answer had been given to the speech of the hon. Member for Liskeard, who stated that many mistakes had been made in the construction of the Aldershot barracks; and that gave rise to the serious inquiry whether civil or military engineers should be employed in the construction of such barracks for the future? He believed that the corps of Royal Engineers, ably and excellently officered as it was, had been obliged to call in a civil engineer, Mr. Simpson, to aid in finding that indispensable requisite—water. If that were so, the gravest question arose for the future whether such operations were to be carried out solely by the corps of Royal Engineers, or whether civil engineers ought to be also employed so as to create a kind of mixed commission. At present, they were to look the fact in the face, that an establishment for £25,000 men had cost the country £1,500,000. If the Committee were prepared for such an expenditure it was useless to say anything. Financial reformers would never be wanting in granting ample means for the public service; all they required was, that the funds entrusted to the Executive should be faithfully, honestly, and judiciously administered; but they did not like a wasteful expenditure of that money which was so often and so cheerfully contributed by the country. He had, therefore, risen to protest against this costly expenditure. He thought that when experiments were to be made they should be carried out upon a moderate system, rather than upon that costly and excessive scale upon which they had, hitherto, been conducted.

Mr. HASSARD said, he wished to call the attention of the hon. Under Secretary for War to the imperfect mode in which the lighting of the barracks was carried out in many places, and especially at Waterford.

Captain JERVIS said, there was a great deal of complaint about the expense incurred at Aldershot which he thought to be very unfounded. He knew that the cost per head of erecting one of the cheapest asylums for lunatics—that in Hampshire, was £150, while the cost for providing accommodation for the soldier in the same county was only £60 per head.

Mr. W. WILLIAMS complained that while money had been expended on barracks sufficient to provide every soldier in the British army with a comfortable cottage, the accommodation was still described by medical men as insufficient, and in many instances disgraceful. He should like to hear some explanation of the item of £60,000 for the purchase of lands and erecting rifle-range huts at Gravesend.

Colonel DICKSON said, he would move the reduction of the Vote by £7,000, part of the sum of £40,000 for stabling of a more permanent character in the Camp at Aldershot. A great deal had been said about the improvements in barracks and about the sanitary arrangements in the new buildings erected for troops, but his quarters as an ensign twenty-five years ago were as comfortable as those which he enjoyed at the present time. As to Aldershot he looked upon that camp as one of the greatest sinks of corruption and iniquity. It was quite melancholy to think of it. He spoke from an experience of twelve months in that camp, where he said that it was perfectly horrible to witness the scenes which went on, owing to so many troops being quartered in the camp, and to their having nothing but riot and debauchery for amusement. Hon. Gentlemen who had not had personal experience of it might judge of its state from the paragraphs which from time to time appeared in the newspapers. They showed that every crime short of murder was committed there. It had a very bad effect on the condition of a soldier who had served ten or fifteen years in the colonies to send him to one of these monstrous camps, in which there was nothing but idleness and debauchery. He did not mean to say that the principle of forming camps was a bad one. On the contrary, he thought it would be a great advantage to the army to collect troops for two or three months in camp every summer to learn the arts of actual warfare; but the camp at Aldershot had been turned into an enormous barrack, in which the soldiers had nothing to do. Everything was brought to them as regularly as if they were in a barrack, and they learned nothing whatever. Hon. Members might hear great accounts of what was done at Aldershot; but he could assure them that it was a great sham. In respect of drill the fact was by taking raw recruits to one of those camps they interfered with their discipline and prevented them from acquiring that steadiness which was so essential to a soldier. He ventured to say that a young recruit was deteriorated after spending some time there. Another argument in favour of those camps was that they would teach our generals. There was a great outcry against our generals during the Crimean war. A more heartless calumny was never uttered than that made use of against those officers at that time; but if our generals wanted teaching were they taught at Aldershot? One officer was kept there for a very long time. General Knollys, for instance, had commanded for a very considerable time. Again, the General officer who commanded the camp lived eight miles from it, the adjutant-general five, and the quartermaster-general four. What was the consequence? Why, if an orderly went to the camp at night he did not know what officer to go to. Again, why should a brigadier be placed there for five years? Every officer commanding a regiment ought to have the chance of commanding a brigade sometimes, and every brigadier ought to have his chance of commanding a division. The General in command and the other superior officers were sufficient in the discharge of their duties. What he complained of was the system of turning those camps into permanent quarters of large masses of men; and as he looked upon the stabling as of a permanent character, he now moved the reduction of the Vote by the sum of £7,000.

General LINDSAY said, there was a good deal of truth in what his hon. and gallant Friend had advanced, although his statements were, he thought, somewhat exaggerated. He would admit that Aldershot might have been made of greater advantage as a place of instruction, and that the arrangements might have been better. At the same time it must be recollected that it had grown by degrees, and its utility was still being gradually developed. In the first place, the General in command lived several miles from the camp. It would have been better if the Government had provided a residence for the General in the immediate proximity of the camp; but, as they had not done so, it could not be expected that an officer who held such a command for five years would live in a small hut. Still, when his hon. and learned Friend said that an orderly arriving at ten o'clock at night did not know to whom to deliver a message, he must have forgotten that there was at all times a general of the week, to whom all reports were made in the absence of the General commanding, and whose business it was not to leave the camp during the evening. He considered that the country was not aware of how much they owed to that General (General Knollys), who had at first no ordinary difficulty to encounter, and whose time had been over occupied by an enormous correspondence, consequent upon the anomalous position of the War Department and the Horse Guards. In regard to drill he must say that, of his own experience, Aldershot was of immense advantage to the army. Before the camp at Chobham was established there was hardly a brigade ever found together, except at Dublin. He had heard, indeed, old officers say that they were unable to command a brigade for want of experience. He agreed that it would have been better if there had been more opportunities of interchanging commands. He would also admit that the camp might be made too much of a permanent camp, and that it was a disadvantage to keep the whole force all the winter in such a place. It was an advantage to the men when they first arrived, and an improvement both to officers and men in regard to drill, but after a certain time the advantage was lost, and the place became irksome. Opportunities are given for instruction there which are not to be found elsewhere, and there cannot be a doubt that gradually it will become more and more of service to the country. If it were possible during the winter months to quarter the greater part of the men in other directions it would be better. On the whole, however, as a camp of military instruction, Aldershot had been of great service both to officers and men, but particularly to officers, in respect to the regiments being quartered together in brigades. The men gained, too, in being taken away from sentry and night duty and in living in a healthy situation. The Government, however, had made a great mistake in permitting the erection, within 100 yards of the hut barracks, of a line of houses of a description to which he need not more particularly allude, over which the Government had no control, and which exercised a demoralizing effect on the troops. He could not agree with the right hon. Gentleman (Mr. Monsell) that £20 an acre was very cheap for common land of that description.

THE CHAIRMAN intimated to the hon. and gallant Member for Limerick that though the Estimate for Stabling was £40,000, the Vote now asked for was only £7,000; so that his Amendment, if carried, would have the effect of disallowing the whole of the Vote for the present year.

COLONEL DICKSON said, he was glad to find that his hon. and gallant Friend (General Lindsay) had endorsed everything he had said about Aldershot. He objected to the camp being made of a permanent character, and he, therefore, moved the omission of the whole of the sum proposed to be voted for this year.

GENERAL LINDSAY denied that he endorsed the statement of the gallant Member for Limerick who gave no credit at all, and who had exaggerated every defect.

MR. H. B. JOHNSTONE said, that having himself been at Aldershot, he could bear the strongest testimony to the need of better accommodation for horses. When he was there the horses all had sore throats, and the discomfort could not be described. He was astonished, therefore, at hearing his hon. and gallant Friend object to the Vote of £7,000, for no money could be better laid out than in improving the stabling at Aldershot.

MR. T. G. BARING said, he was glad the Committee had heard the testimony of two officers who had been at Aldershot. He trusted that after the discussion which had taken place they were not now of opinion that there had been, as was alleged, any misrepresentation from the beginning, or that the House had expected to Vote £100,000 and no more. [MR. BERNAL OSBORNE: Hear!] If the House had been asked merely to buy land for a site upon which to build the barracks there would have been no reason for asking for so large a sum. He would ask the Committee whether the mere demand for such a sum for the purchase of land did not involve an additional outlay for huts and other expenses which were necessary for a camp of exercise? It had been said that the whole thing had been entered upon without opposition or criticism. But there had been constant discussions on the subject. He could himself recollect an Amendment moved by Captain Vivian, who he regretted was not now a Member of the House, which raised the very same point with that debated that night, as to the permanence of the camp. The question had been thoroughly discussed, and among those who voted against the reduction of the Vote moved by Captain Vernon was the hon. and gallant Member for Liskeard (Mr. Bernal Osborne). With respect to the suggestion that some improvement might be made in respect to the supervision of barrack expenditure, and the employment of civil engineers, he had to state that a Committee had been appointed to consider the question. In reference to the actual Vote, the reduction of which was moved by the hon. and gallant Officer, he believed that there was nothing which would attract the observation of any hon. Member who visited Aldershot more than the state of the cavalry stables; and for the preservation of the horses in the south camp, all of which probably would be burnt in the event of a fire breaking out, it was essential that some improvement should be made in them. The £7,000 was to be applied to the erection of permanent stables for the horses of a battery of Horse Artillery, and the remainder of the whole sum required would stand over for subsequent consideration, none of it being expended without the previous consent of the House of Commons. The cost of the permanent barracks at Aldershot was, as the Committee had been informed by the hon. Member for Coventry, less than the cost of other barracks. With regard to the grates mentioned by the hon. and gallant Member for Liskeard, he did not believe that any ventilating grates had been introduced into Aldershot at all, and certainly doubted the accuracy of the statement that grates had been introduced and afterwards sold for old iron. The drying machinery introduced at Aldershot and Chatham had been alluded to by the hon. and gallant Member for Oxfordshire (Colonel North), and the Committee might rest satisfied that every attention would be given to the introduction of the very best drying apparatus into the different camps and barracks. He would also make inquiries as to the adoption of gas in barracks.

Colonel KNOX said, that he should support the Motion for the reduction of the Vote, because the permanent barracks at Aldershot were growing to such a magnitude that the Committee ought to know where the expenditure was to stop. He did not believe that any benefit would be derived from this Vote for the increase of the cavalry barracks, for they were at present sufficiently extensive, and he strongly deprecated spending any more money on the permanent barracks. With regard to the new barracks in London, in Portland Street, he wished to ask a question—

The CHAIRMAN said, he must request the hon. and gallant Member to confine his observations to Aldershot.

Colonel KNOX said, of course he would bow to the Chair; but he wanted to know how the authorities were going to deal with the huts at Aldershot? They were in a state to require repairs or rebuilding, and he wished to know whether the Government had come to the determination of doing one or the other? Were they going to make them permanent, or merely to repair them? His question also applied to the barracks at Colchester and other places.

Viscount PALMERSTON: This discussion has, I think, taken a much wider range than the Vote under our consideration justifies. We have been debating whether it was originally expedient to buy a large tract of land for the purpose of assembling these troops to be instructed in general movements; whether it was right to have erected permanent works on that land; whether we ought to use huts in lieu of barracks; whether the command at Aldershot should be confined to one officer, or whether a number of officers in succession should be so employed? Now these are, no doubt, very proper subjects for discussion. They are all questions of great interest; but then I would humbly submit that they do not exactly belong to the Vote which is now under our consideration. That Vote is the moderate sum of £7,000 for the purpose of providing stabling for barracks which are already built. The argument of my hon. and gallant Friend the Member for Liskeard (Mr. B. Osborne) and some hon. Gentlemen who followed would, if acted upon, naturally lead us to break up the whole thing, to sell the land, and have no encampment at Aldershot at all. He would have us pull down the huts and, I suppose, convert them into firewood; in short, he would have the establishment altogether discontinued. Now, if he were to make that proposal in direct terms there would be a practical question for our consideration;

but that is not the point at issue, and I trust, therefore, the Committee will waive these general expressions of opinion to which we have been listening, and Vote the sum which we believe to be necessary—and which a gallant Officer on the other side of the House, who has had some experience at Aldershot, states to be necessary—in order to render the works at present there available for the purposes for which they were intended. So far as the general question is concerned, I must say I am somewhat astonished that the hon. and gallant Member for Liskeard, or any other hon. Gentleman possessing military knowledge, should appear to doubt the advantage of having an extensive piece of ground like that at Aldershot for the purpose of military instruction. The scheme of having such an encampment was taken from the practice adopted by the French Government, who used to have a camp at Boulogne, and who, when they found what we had done in the same direction, bought a much larger extent of ground at Chalons; the expense of the camp there being much greater than that which we incurred. It is, however, contended that the barracks at Aldershot are a source of demoralization, owing to the population which has sprung up in the neighbourhood, and that we ought to buy up everything in its vicinity with the view of preventing such a state of things. But what, let me ask, is the condition of barracks elsewhere? Are we to purchase up all the ground in the neighbourhood of Portsmouth and Plymouth and other towns attached to which there are barracks, with the view of driving away that particular description of population to which allusion has been made? Are we to have barracks nowhere except in perfect solitudes, so that the men might be cut off from all communication of that character? Why, Sir, it has been strongly objected to Aldershot in the course of this long discussion that it was not near a town, and that there was not, as a consequence, due provision made for what is called amusement for the men. These arguments, it will be at once seen, destroy one another, while the charge made against Aldershot on the score of morality applies with infinitely greater force to those barracks which are situated in large and populous towns. With respect to the expense of the ground purchased there, I would simply ask whether if we had proposed to buy 9,000 acres of enclosed land we should have made a more economical outlay? What I should like to know would be the cost of those 9,000 acres, on which it would have become necessary to throw down all the fences, to destroy all the cultivation, for the purpose of reducing it to an open space on which military manœuvres might be executed? Why, it is obvious that land of that description would have cost a much larger sum than we paid for Aldershot, and I maintain that the purchase of the land there was, after all, a very economical arrangement. The expediency of having an encampment of this kind, however, for the purposes of military instruction, does not bear upon the Vote under our notice, and I trust the House will not hesitate to Vote the sum of £7,000 for which we ask, and which is required in order to render the barracks at Aldershot available for the objects for which they are intended.

Lord JOHN MANNERS said, he wished to ask one question of the hon. Gentleman the Under Secretary for War. A case had been brought before him of the horses of the Blues having been put into stables at Aldershot last year which had been previously occupied by horses afflicted with that horrible disease the glanders. It was impossible to conceive anything more absurd than such an arrangement, and he wished to know whether the Vote would have any tendency to prevent a repetition of such conduct?

Mr. T. G. BARING said, the Vote would certainly have such an effect as it would provide increased accommodation for the horses there.

Mr. BERNAL OSBORNE: Before we go to a division I may be allowed to question the doctrine which has just been laid down, that in discussing a Vote such as that before us we are not entitled to enter into the general subject of the expediency of maintaining the encampment at Aldershot as a permanent establishment. On a former occasion, when I took up that subject, I was told that it was not the proper time to do so, and now that we are dealing with a Vote in connection with it I am met with a similar objection. I am not surprised to find that the noble Lord at the head of the Government is partial to Aldershot, because it is his own child, and he acknowledged himself to be its father in 1857, on the occasion of the Motion made by Captain Vivian. Now, the Under Secretary for War has twitted me with voting in the majority on that occasion in obedience to my commander; but

I was at the time a subordinate Member of the Government, and the hon. Gentleman should bear in mind that

> "Sufferance is the badge of all our tribe."

I would remind the hon. Gentleman, however, that I never voted in favour of the permanent system at Aldershot — nay, more, that I was always opposed to it. But to return to the noble Lord at the head of the Government, I find that on June 5, 1857, when Captain Vivian moved the reduction of the sum to be expended for permanent barracks from £100,000 to £50,000, he spoke as follows:—

> "I thought, Sir, I had explained that permanent barracks are to be built at Aldershot for 4,000 infantry, 1,500 cavalry, and a few batteries of artillery, and that it is not intended to build barracks for a larger number of men than that. Troops are to be be collected together there in a larger number during the spring and summer months for the purposes of exercise; but it is not intended to make it a winter camp." [3 *Hansard*, cxlv. 1264.]

Now, that is the very thing which I have been urging on the Committee. I do not object to troops being collected at Aldershot during the summer months. What I am opposed to is the policy of making it a permanent barrack, and there is not, I contend, a single position which I have laid down to-night which has been contravened, although my statements have been nibbled at by the noble Lord and the hon. Under Secretary for War. An hon. Member from the sister country, who represents the cavalry, told us that if the Government had not brought forward this Vote he would have insisted upon it, because his horses had very sore throats.

Mr. H. B. JOHNSTONE: The hon. Gentleman has misrepresented and misquoted every word I said.

Mr. BERNAL OSBORNE: I certainly understood the hon. Member to say that his horses had sore throats, and that, therefore, he thought the Vote a proper one. If the hon. Member can read, he may see on referring to the Estimates that the sum of £7,000 is intended to provide permanent stables for artillery horses; it has nothing whatever to do with officers' horses. I am so satisfied that it is bad policy to make permanent encampments that I hope the Committee will be asked to divide against the Vote.

Viscount PALMERSTON: The hon. and gallant Gentleman has said that I denied his right to discuss the general question of Aldershot, and maintained that he ought to confine himself to the stables. I said exactly the contrary. I admitted that it was competent for him or anybody else to discuss the general question, but added that the Vote before us related merely to the stables. The hon. and gallant Gentleman, I must say, has excited my deepest compassion. He has most pathetically described the extreme sufferings he endured when he was in office, and was called upon to assent to the Vote for Aldershot. It is a lamentable thing that he should have undergone so much pain; but, on the other hand, it is some consolation to know that in his present position he has fully indemnified himself for his former privations. The free expression of opinion in which he has indulged this evening can be compared with nothing but the thawing of Baron Munchausen's horn, when all those notes, whether harmonious or discordant, which had been frozen up so long at last found vent into the open air, and either astonished or delighted the audience by whom they were heard. I hope the hon. Gentleman will not suppose that I have been merely nibbling at his argument, or that I have not contradicted anything he has said. I contradict every opinion he has uttered, and challenge him to prove his statements.

Mr. BERNAL OSBORNE: It has been my misfortune to-night to fall foul of two Irish Gentlemen — the hon. Member opposite and the noble Lord who has just sat down. I think, however, it is a little unfair in the noble Lord to fire off at my expense the old jest about Baron Munchausen's horn, which, for the benefit of younger Members of the House, I may state I heard him six years ago apply to another Member. We have a much more serious matter before us than the venerable joke which the noble Lord has revived. Is the House of Commons prepared to sanction the expenditure of somewhere about £1,500,000 upon the camp at Aldershot? The noble Lord says he contradicts everything I have said, but I have quoted a passage from *Hansard* which cannot be disputed. In 1857 the noble Lord stated that it was not intended to make a permanent encampment at Aldershot; but now, availing himself of his acquaintance with the pages of our most ancient jester, he wants the Committee to give its assent to a different policy.

Viscount PALMERSTON: The hon. Gentleman has quoted from *Hansard* the amount of permanent barrack accommodation which I stated in 1857 was intended to be established at Aldershot. I believe he will find the amount of permanent barrack accommodation which actually exists at the present moment does not exceed that which I stated in 1857.

Colonel KNOX said, he apprehended that the £7,000 now asked for was only the first instalment of a much larger sum.

Colonel DICKSON stated that the permanent barracks had got plenty of good stabling attached to them. He would divide the Committee against the Vote.

Motion made, and Question put,

"That the item of £7,000, for Stabling of a more permanent character than that at present existing in the Camp at Aldershot, be omitted from the proposed Vote."

The Committee *divided*:—Ayes 50; Noes 147: Majority 97.

Original Question again proposed,

Mr. CHILDERS said, he wished some explanation of the proposed Vote of £10,000 for Colchester Barracks. The total estimate had been £60,000, including the purchase of land. £35,000 had been previously voted, leaving £25,000 to be voted in subsequent years. But now, after having spent £33,000, the £27,000 was increased to £60,000. He understood that part was for cavalry barracks. But they already had cavalry barracks at Norwich and Ipswich, and he supposed it was the intention of the authorities to remove them to Colchester. If they did that, what did they propose to do with the barracks at Norwich and Ipswich? If he was rightly informed, they could not sell these latter, because they could not give a good title to the land, and, therefore, they would be obliged to retain them. He wished also to ask whether the sum of £60,000 was the whole sum which they would be called upon to vote for barracks at Colchester? for it was rumoured that it was only part of a great scheme to spend something like £200,000. He thought the Estimates ought to show in the first column what was really the total sum to be spent.

Sir FREDERIC SMITH said, he agreed with the hon. Gentleman who had just sat down that there was a vast increase on the Vote without any reason assigned. He thought the Under Secretary for War was bound to tell the Committee why such an increase had taken place. He also wished to know what they wanted with an enormous establishment at Gravesend, costing £60,000, while they had Chatham within seven or eight miles, where there were ample means of teaching soldiers to fire ball cartridge? With regard to Colchester he thought the increase was quite uncalled for. The Government were wasting money in the erection of barracks. He had been at Dover on the previous day and had seen the barracks erecting there, which were to cost £29,000, and accommodate only thirty officers—nearly £1,000 for each officer. The buildings were of a magnificent external character, with cut stone, but not a jot was added by them to the comfort of the officers. Such extravagant expenditure ought to be discouraged.

Mr. T. G. BARING said, that with reference to Colchester the Estimates were perfectly clear. The Committee was asked to vote £16,000, part of £60,000 for the erection of cavalry barracks. The reason of these being erected was that the lease of the barracks at Norwich would fall in in a few years, and those at Ipswich were in a very bad state. He had no information of any such extensive plan respecting the camp at Colchester as that alluded to by the hon. Gentleman (Mr. Childers). With respect to the purchase of land at Gravesend, that was only for the completion of a service which had already been approved, and part of the cost of which had been previously voted. The addition to the Estimate for Woolwich Hospital was to supply accommodation for an increased number of patients.

Mr. BERNAL OSBORNE asked for an explanation of the proposed Vote of £20,000 for the purchase of the Euston Hotel, Fleetwood, for rifle ranges and butts. £20,000 had already been granted for that purpose, and, besides the Vote now asked for, a further demand of £20,000 would be required to complete the work, making £60,000 in all. That was an enormous sum, and to raise the question he would move that £10,000 be deducted from the Vote.

Mr. MONSELL said, he did not think the hon. Under Secretary for War's explanation respecting Woolwich Hospital at all satisfactory. The outlay upon that establishment was objected to last year, when a distinct assurance was given that the expense would not exceed £120,000. Instead of that, however, the Estimate had now risen to £200,000. Again, with respect to the construction of the barracks at the Royal Military Academy, there had been a distinct understanding when the works commenced that there should be a separate room for every cadet; but up to that time, as he was informed, two, and even three, cadets had to live in the same room, without having any place to retire to for studying.

MR. H. A. BRUCE said, he wished to call attention to the item of £15,000 for increasing the Royal Military College at Sandhurst, so as to accommodate 500 cadets. That was the first instalment of a scheme for entirely changing the mode of preparing officers for the army. Every young gentleman, it appeared, before entering the service, was to be required to pass a year at the Military College in acquiring the rudiments of his profession. All monopolies were highly objectionable, but a monopoly of education such as that proposed was, perhaps, the most objectionable of all. A special training like that would, he believed, not be advantageous to the army. It would be better if every officer entering the service were required to possess a liberal education, wherever that education might have been obtained. What security was there that an establishment for 500 cadets would be conducted in such a manner as to afford the education it professed to provide, and at the same time to keep up the high tone which had hitherto distinguished the British officer?

MR. T. G. BARING said, the object of purchasing the Euston Hotel at Fleetwood was to afford the means of instruction in rifle shooting in the north of England, instead of requiring officers to travel from distant parts of the country to the establishment at Hythe.

GENERAL LINDSAY said, he wished to bring under the notice of the Committee the subject of Captain Grant's cooking kitchens, which were now established in all the larger barracks and encampments. Before 1855 the cooking system in the army was very indifferent, but in that year Captain Grant was directed by Viscount Hardinge to investigate the subject, the result of which was the establishment of a new system of cooking at Aldershot. Captain Grant had not only originally established the present system by which great economy and increased efficiency had been obtained, but it was found so successful at Aldershot, that it was in consequence of that success established at Shorncliffe, the Curragh, Colchester, Woolwich, and other places; he, therefore, has the merit of having established the first improvements, and he is deserving of consideration for his success, and it is not fair now to turn round upon him and say that others had subsequently improved upon him, but he ought to have credit for the five years conduct of a system which has been proved to be so advantageous to the service. Under the old system the consumption of fuel was about 3⅞lb. per man per day, but Captain Grant's improvement reduced it to about 5lb. per man per week, thus effecting a great saving of expense, as well as an addition to the comforts of the soldiers. When this subject was brought forward last year the noble Lord the Secretary for War observed that Captain Grant's system was only one of many that had been submitted to the Government, but, although others had lately been brought under notice, yet, as before stated, Captain Grant was the original inventor. The noble Lord also objected that Captain Grant's system was not original, that it had been tried and had not succeeded at the London Tavern; but subsequent inquiries led him (General Lindsay) to believe that that was a mistake; and, even if it were so, he has the merit of having applied it to soldiers. Other objections had been raised which for the most part had been got rid of by recent improvements by him, and the fact remained that Captain Grant had introduced a system which for a long time had been the only system of cooking in use at large camps. He thought that officer had a right to expect sympathy and encouragement from the Government, but, instead of that, those whose business it was to carry out the details had rather acted in opposition to him. Captain Grant had received £500 as compensation for his outlay, but not as a recognition of the merits of his invention. That sum was far less than he had expended, he having paid upwards of £750 out of his own pocket. One of Captain Grant's kitchens has been altered to carry out a system under the countenance of the War Department—and without reference to Captain Grant—the alterations have already cost £700. It is small encouragement to gentlemen to improve systems for the Army when they find themselves neglected, and treated without deference. I trust the Government will consider this question with reference to some compensation to Captain Grant, both for his success and for his exertions.

Motion made, and Question,

"That the item of £20,000, for Purchase of the Euston Hotel, Fleetwood, Land for Rifle Ranges, and Erecting Huts, be reduced by the sum of £10,000."

Put, and *negatived.*

Original Question again proposed,

LORD FERMOY observed that a very important question had been raised as to providing a special military education for officers. It was impossible to enter into that subject that night, and he should, therefore, move that the Chairman report Progress.

MR. T. G. BARING said, that the Committee would have an opportunity hereafter of discussing that question, and he trusted, therefore, the noble Lord would not persist in his Motion.

MR. MONSELL said, he hoped that the noble Lord at the head of the Government would agree to report Progress.

VISCOUNT PALMERSTON said, he hoped the Committee would allow them to go on with the Vote, which they had been engaged upon since nine o'clock. If they were to go on reporting Progress in that manner he did not know when the Session would be over.

Motion made, and Question, "That the Chairman do report Progress," put, and *negatived.*

Original Question again proposed,

MR. H. A. BRUCE said, he should move the omission of the item of £15,000 for increasing the Royal Military College at Sandhurst to hold 500 cadets.

Motion made, and Question proposed,

"That the item of £15,000, for increasing the Royal Military College at Sandhurst to hold five hundred Cadets, be omitted from the proposed Vote."

MR. T. G. BARING explained that under the new system which was proposed officers previous to joining the army would have to go to a military college for a year, for the purpose of learning the theory and practice of their profession. The plan would not come into operation until the beginning of 1863. Further details would be given, and, therefore, he thought there was no reason for refusing the Vote. His noble Friend the Secretary for State had been in communication with the authorities of Oxford and Cambridge Universities, with regard to a suggestion that the universities should also be used for the purpose of military education.

In reply to SIR FREDERIC SMITH,

MR. T. G. BARING said, the £15,000 would enable the present building to be extended, but would not provide the whole accommodation necessary for 500 cadets.

COLONEL KNOX remarked that the Committee should have some *data* as to the system which the Government proposed. When they knew what the system was it would be time enough to vote money to enlarge the building.

GENERAL LINDSAY suggested that the hon. Under Secretary should make some explanatory statement.

LORD FERMOY said, they were asked to proceed, and yet the Government had not made up their mind as to the principle they intended to adopt. Why should Parliament grant buildings that might not be required? He thought the Vote ought to be postponed.

MR. T. G. BARING said, that the plan had been explained in the evidence given by His Royal Highness, Commanding-in-Chief, before the Committee on military organization. He was anxious to get rid of all patronage connected with his office, and it was proposed that after the 1st of January, 1863, all direct admissions to the army should cease, with the exception of those given to non-commissioned officers. All officers before entering the army would have to go through a course of one year at Sandhurst, passing a qualifying examination on going in, and another examination on leaving. The latter would include drill and military exercises. The present system would continue until January, 1863. With the exception of the commissions guaranteed by Act of Parliament to the sons of persons who have served in India, all commissions without purchase would be competed for by the cadets at Sandhurst.

MR. CONINGHAM said, he wished to know in what manner candidates would be admitted to Sandhurst?

MR. T. G. BARING said, the names would be put down on a list as at present, and each candidate would take his turn.

MR. H. A. BRUCE said, the matter was one of such importance that he must press his Amendment for the omission of the item.

SIR LAWRENCE PALK moved that the Committee report Progress.

Motion made and Question "That the Chairman do report Progress," put and *negatived.*

MR. SEYMOUR FITZGERALD said, he thought that as no information had been laid before the Committee as to the system which was to be adopted, it would be better to postpone the item for the present.

Mr. AYRTON said, he also advocated postponement, as the item really belonged to the Educational Vote, which came next.

Mr. T. G. BARING said, that if hon. Gentlemen would withdraw their opposition to the Vote, he would undertake that no expense should be incurred on account of it until the House had had an opportunity of giving an opinion on the scheme of education proposed.

Question put,

"That the item of £15,000, for increasing the Royal Military College at Sandhurst to hold five hundred Cadets, be omitted from the proposed Vote."

The Committee *divided:*—Ayes 49; Noes 54: Majority 5.

Original Question again proposed.

Colonel GILPIN said, he would move the reduction of the Vote by the sum of £1,150, paid to the Sanitary Commissioners.

Motion made, and Question proposed, "That the item of £50,000 for the 'Sanitary Vote,' be reduced by the amount of £1,150."

Mr. T. G. BARING said, Dr. Sutherland was the highest authority upon these questions, and the improvements which, under his superintendence, had been effected in the sanitary arrangements of barracks had tended materially to reduce the mortality in the army. The appointment was not a permanent one, and in the course of another year or so his employment would probably cease.

Colonel DICKSON said, that as he believed that in the present state of the Committee reduction was not to be hoped for, he should move that the Chairman report Progress.

Viscount PALMERSTON said, he was sure the Committee would feel that nothing was more important than the preservation of the health of the army. Putting it on the lowest grounds, there was nothing so uneconomical and so prodigal as carelessness on this point. But in reality it stood on higher ground, because if men were enlisted for the service of the country the Government was bound to take due care of their lives. When a large number of persons were crowded together in barracks, or in camp, there was until lately much ignorance as to the principles on which the preservation of health depended. Dr. Sutherland was the first to examine into these principles. He had rendered invaluable service in the Crimea, as well as in the different hospitals and barracks of this country, and no money could be better laid out in guarding the health of the soldier from the influences to which it was subjected.

Motion made, and Question, "That the Chairman do report Progress," put, and *negatived.*

Colonel GILPIN said, the noble Lord had not convinced him that when so large a sum was paid to medical officers in the army, some of those gentlemen could not be employed to discharge the duties performed in this instance by a civilian.

Question put, "That the item of £50,000 for the 'Sanitary Vote,' be reduced by the amount of £1,150."

Committee *divided:*—Ayes 10; Noes 78: Majority 68.

In reply to General Lindsay,

Mr. T. G. BARING said, that a sum of money had been awarded to Captain Grant as remuneration, but he was not satisfied with it; since that time the question had not been raised. If an application were again made it would be fully considered. He could not undertake to say that Captain Grant should be paid out of the saving his kitchen had effected, there being differences of opinion as to its economy. There was no disposition to depreciate Captain Grant's services.

Mr. CAVE said, that Captain Grant's kitchen had been of great service in the North West London Reformatory, and a large district school at Southwell. What he complained of was that some sinister influence was at work to prevent his plans being properly carried out. It was a great evil that, rightly or wrongly, the opinion was universal that the State was a hard taskmaster but a bad paymaster; and that a man could not expend his time and talents in a less profitable service than that of his country.

Lord CLAUD HAMILTON said, there never was a more successful improvement introduced into the army than Captain Grant's kitchen. It was both healthy and economical. Captain Grant had expended £700 out of his own pocket, and he had received £500.

Original Question put, and *agreed to;*

House resumed. Resolution to be reported *To-morrow;* Committee to sit again *To-morrow.*

House adjourned at a quarter before Two o'clock.

HOUSE OF COMMONS,

Wednesday, June 26, 1861.

Minutes.] New Writ Issued.—For Wolverhampton, *v.* Sir Richard Bethell, Lord High Chancellor of Great Britain.
Public Bills.—1° Book Unions.
2° Church Endowment Act Amendment.

MASTERS AND OPERATIVES BILL.

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [8th May],

"That the Bill be now read a second time;' and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

Mr. AYRTON said, he wished to remind the House that the Bill was only a reproduction of a measure, the principle of which had been previously approved by a Select Committee, and received the sanction of the House in the previous Session. The law on the subject as it stood was not satisfactory. The provision for arbitration in the statute of 1824 was of a very complex character, and did not sufficiently facilitate the operation. The main difference between the Bill and the statute was that the latter did not permit the arbitrator to be named until a dispute had actually arisen, while the former proposed that the arbitrator should be appointed beforehand, while all parties were in concord and good temper. The Court of Arbitration was to be established on the voluntary principle, and to receive the sanction of one of the Ministers of the Crown. Some parts of the Bill which had been most objected to were, in point of fact, taken *literatim* from the existing Act. The hon. and learned Solicitor General, for instance, opposed the provision for establishing a rate of wages, which it happened was borrowed from the statute.

Sir GEORGE LEWIS said, he believed the Solicitor General expressly pointed out that fact.

Mr. AYRTON observed, that groundless apprehensions were also entertained that the Bill would create a charge on the Consolidated Fund. It was, however, specially provided in Clause 16, that the expenses of the Courts were to be paid by fees from the parties who made use of them. That was in strict analogy with the present statute, by which certain fees were fixed by the justice who served as arbitrator, and charged upon the parties who appealed to him. The Bill was framed at the suggestion of large bodies of working people as the best mode of getting rid of the difficulties of the present system, and of establishing a tribunal easy of access and simple in operation for the arrangement of disputes. The measure was not intended to settle strikes, but he believed it would tend greatly to prevent them, as it would promote a more friendly spirit between masters and workmen, and afford an opportunity of conciliation before any open controversy broke out. He could have understood the opposition to the Bill if it had come from those who were generally opposed to the claims of the working classes, but he could not understand its proceeding from hon. Gentlemen who were loud in their assertions that the great need of the workman was liberty to vote for Members of Parliament and a larger share of political power, because he knew no better training for the exercise of that power which could be given to working men than by means of such a Bill as this, allowing them to manage their own affairs, and to see how difficult a matter government was.

Mr. G. HARDY said, he hoped that the right hon. Gentleman the Home Secretary would persist in his Motion for the rejection of the Bill, because he was anxious that the working men should be allowed to manage their own affairs without the intervention of Parliament by means of a most ineffectual measure. The decisions of the Councils to be appointed under the Bill would only bind those who had become parties to the appointment of the Councils, and would have no power over those who were beyond that line. For that reason the measure would be perfectly useless. Parties were now at perfect liberty to appoint arbitrators and refer their differences to them for settlement. [Mr. Ayrton: Not to establish a Court.] They could have arbitrators; and it was because he did not want to establish a Court of Arbitration, which would be ineffectual, that he thought it would be desirable to reject the Bill at once. The machinery of the Bill would by no means effect the object to which it was intended to be directed. There was to be a registry of voters by whom the Councils were to be elected, and who would be the persons who would be bound by their decisions. But workmen were so continually changing their places of employment that it would be impossible to keep those lists correctly, and new workmen would come in who would not be on the registry, and, therefore, not bound to accept the decisions of the Council; and even if the list were accurate, an employer might at any time practically set aside a decision of the Council by discharging from his service all the men whose names were upon this list, and employing only those who were not inscribed thereon. He yielded to no one in his desire to improve and elevate the condition of the working classes, but he declined to vote for a measure which would only fill them with delusive hopes; and he thought that the workmen would be consulting their own interests far more if they relied upon the general principles which regulated the payment of wages for labour, and placed that reasonable confidence in the masters which, in the main, he believed they were entitled to.

Mr. SLANEY said, that the principle of the measure had already been sanctioned by existing Acts of Parliament. Those Acts had proved entirely ineffectual, and hence the necessity for this Bill. It was, he thought, exceedingly desirable that before evil blood arose between the masters and men, a few cool, deliberate, and sensible men should have the points in dispute submitted to them, so as to see if their differences could not be settled. He admitted that a greater spirit of conciliation existed now than formerly, but he thought the adoption of some such measure as this was absolutely necessary, especially when they considered the prospect of a short supply of cotton in the winter. He hoped, therefore, that the House would repeat its sanction of the principle by reading the Bill a second time, and he had no doubt that his hon. friend who had charge of it would be ready to consider any objections which might be urged against its details when the House went into Committee. What would be thought by the intelligent and improving population of our large towns if the House summarily rejected the principle of conciliation? The hon. Gentleman had said that there would be a great fluctuation in the lists of voters, but he seemed to have overlooked the circumstance that the Bill required a residence of six months before a workman could become an elector of these tribunals.

Mr. MACKINNON said, that the Bill having last year passed that House unanimously, and been read a second time in the House of Lords, it would be stultifying the House to throw it out upon the second reading. It would be like saying that the House having in 1860 voted that white was white, it was in 1861 to vote that it was black. The Bill was referred to a Committee upstairs, upon which there were five hon. Members who were large employers of labour—namely, the present Lord Mayor of London (Alderman Cubitt), the hon. Member for Finsbury (Sir M. Peto), the hon. Member for the Tower Hamlets (Mr. Ayrton), the hon. Member for Coventry (Sir J. Paxton), and the hon. Member for Oldham (Mr. Fox), and that Committee came unanimously to the following Report:—

> "From the evidence taken before them, in which both masters and operatives were examined, and also, after referring to the evidence taken before the Committee appointed in 1856, your Committee have come to the unanimous opinion, that the voluntary formation of equitable Councils of Conciliation would tend to promote a more friendly understanding between the employers and employed, to soften any irritation that might arise, and in most cases to prevent the growth of such a spirit of antagonism as too often leads to a strike. Your Committee concur in the opinion expressed in the Report of 1856, that 'From the evidence before them they cannot but arrive at the conclusion that the formation of Courts of Conciliation in the country, more especially in manufacturing, commercial, and mining districts, would be beneficial; that by these means both the masters and operatives would be enabled each from their own class or calling to appoint referees, an equal number by each party, having the power to elect a chairman.' Your Committee have considered the Bill which has been referred to them by the House, and are unanimously of opinion, that if the Bill passes into a law it will promote the welfare and good understanding between masters and operatives, and be advantageous to the country. Your Committee, in conclusion, add, that there is nothing in the Bill that gives power to any Council to regulate the rate of wages in any prospective manner whatever."

After such a Report it surely was not enough for the right hon. Gentleman the Home Secretary to say, *Sic volo, sic jubeo, est pro ratione voluntas*, and, without stating a single argument against the principle of the Bill, to ask the House to reject it on the second reading. The hon. and learned Solicitor General showed by his speech against the Bill that he did not understand the question. He had opposed the measure on the ground that the existing Act, the 4 Geo. IV., c. 96, was sufficient; but he seemed to have forgotten, or to have been ignorant, that, owing to the objection of the operatives to the appointment of the arbitrators by the magistrates, that Act was perfectly inoperative. The object of the Bill was to soften the feeling between masters and operatives, and so prevent strikes. He was recently informed by a well-informed workman that some workmen opposed the Bill because it would prevent strikes. He asked him how, and the reply was, "If five of our men meet five masters and agree to anything they will come among us and spread such division, that it will be impossible to have a strike." Under these circumstances he hoped that the House would consent to read the Bill a second time.

Question put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for six months.

LABOURERS' COTTAGES BILL.

COMMITTEE.

Order for Committee read.

Motion made and Question proposed, "That Mr. SPEAKER do leave the Chair,"

SIR LAWRENCE PALK said, that he had made various alterations in the Bill, in accordance with what he understood to be the wish of the House on the second reading. He had given the controlling power to the Land Drainage Commissioners, and he had decreased the amount to be charged upon the estate in respect to each cottage to £120, which it appeared to him would be sufficient.

House in Committee.

(In the Committee.)

On the proposal that the Preamble be postponed,

SIR GEORGE LEWIS said, he was unwilling to oppose the progress of the Bill, but he wished to call attention to the fact that there were already several private companies which were entitled by Act of Parliament to make advances for the purpose provided for by the Bill. There was also in existence an Act, 12 & 13 *Vict.*, c. 100, which was well considered, and which enabled private individuals to make advances for the drainage of land under the sanction of the Enclosure Commissioners. He thought if that Act had been extended to labourers' cottages it would have effected all that was required.

Preamble postponed.

Clauses 1 to 7 inclusive *agreed to.*

Clause 8 (Notice of intended application to be given),

MR. HENLEY said, there were other persons besides encumbrancers who might be interested in estates, and he should move the insertion of words requiring that special notice should be given to every person interested in an entail or settlement.

SIR LAWRENCE PALK said, he had no objection to the notice being given, but hardly saw how it was to be accomplished when the parties might be in America, Australia, or other distant parts of the world.

MR. HENLEY said, he did not think it fair that a landlord who had been unwilling to spend his money on the improvement of cottages on his estate should have the power after his death of charging his successors. It reminded him of the course pursued by persons who used to be called "generous churchwardens."

SIR GEORGE LEWIS said, the provisions of the public Act with regard to advances were incorporated in the private measure. Persons having a charge upon an estate in the end were thereby empowered to signify their dissent within two months, and in case they did so the certificate of the Commissioners was not to issue.

MR. HENLEY said, he did not want to carry his objection to the extent of stopping improvements. He was only anxious that some proper notice should be given.

MR. G. HARDY said, he thought the object in view would be best accomplished by the insertion of these words—"And notices shall be given to mortgagees and all parties interested, in such form and mode as the Commissioners shall require."

Words *added.*

Clause *agreed to.*

Clause 9 (Application to Inclosure Commissioners by Landowner intending to build, &c., Cottage),

MR. HENLEY said, he thought a question might arise, how far the powers given to remove existing buildings were to be construed so as to protect the owner of the reversion against the consequences of waste. The power in the clause seemed to be unlimited; but it would be a very great sweep of legal alteration if a proprietor were allowed to pull down all the buildings on his estate, to drive out the population, and to lay down all the land in grass. He thought that the words "add to, enlarge, or otherwise improve," ought to be struck out of the clause.

MR. SOTHERON ESTCOURT said, he felt some difficulty with regard to the words "enlarge or otherwise improve." If the operation of the clause were not confined to building or rebuilding, it might be extended in practice so as to include ornamental works, with the expense of which it could never have been intended that the remainder man should be saddled.

Sir LAWRENCE PALK explained that the intention was to give the power of surrounding dwellings with the comforts and decencies of life, such as drainage, &c., without which building operations would be comparatively of little value. He would not object to the omission of the words "enlarging or otherwise improving," but he trusted they would allow him to retain the words, "add to."

Mr. SLANEY said, it was often desirable to add a sleeping room to a cottage which did not need alteration in any other respect.

Sir GEORGE LEWIS remarked that additions such as those contemplated might be conducive to the health and morality of the inmates, but he did not think the charges which they would entail ought fairly to be placed upon the inheritance.

Mr. HEYGATE said, he hoped the words would be retained. The great object of the Bill was to enable landlords to improve the present class of cottages.

Mr. EVANS said, the question was not confined to a single cottage. It often happened that several were built at the same time, and were deficient in the same points. The enlargement or improvement of all might be a serious matter, where in the individual instance the cost would be trifling.

Mr. WALTER said, he altogether objected to the retention of the words alluded to. The object of the Bill was to facilitate further improvements in the building of cottages, both for the sake of the labourer and the landowner; but it ought not to be allowed to shift from the tenant in possession to the tenant in tail the duty of making small improvements. His experience of cottage-building—a subject in which he took much interest—led him to believe that the retention of those words would do great mischief, as they would tempt landlords to make additions to bad cottages, which ought rather to be pulled down and rebuilt. As he was not in favour of giving facilities for tinkering up bad cottages, he would suggest that the words "add to" be struck out of the clause. The same objection applied to the power to "enlarge and improve" cottages, the words being of such an extensive character, as to include making drains, putting down a wooden floor, or almost any improvement which could be conceived.

Sir GEORGE GREY said, he could not agree with his hon. Friend who had last spoken that the enlargement of a cottage might not be a permanent improvement. In the north of England the stone cottages, which were very substantially built, frequently had a storey added to them. He thought it would be better to retain the words.

Sir CHARLES BURRELL referred to the improvement which was capable of being effected by putting down plugs, so as to make one well answer for four or five cottages.

Mr. HENLEY said, the *maximum* amount to be spent on any cottage was fixed at £120, and it consequently became necessary to specify the *minimum* amount. But the cost of some of those enlargements and additions would be absurdly small, and, therefore, it would be better to exclude them from the Bill.

Captain JERVIS said, he also objected to the words, which might tempt landlords to incur foolish expenses. His experience of cottages was that the walls were usually proportioned to their height, and would not be capable of bearing up an additional storey.

In reply to the Chairman,

Mr. WALTER said, it was not his intention to press the Amendment which he had proposed.

The words "add to" were accordingly retained. The words "enlarge or improve" were *struck out.*

Mr. HENLEY contended that the "particulars" of the intended improvements required to be furnished to the Commissioners were not sufficiently explicit, and suggested that the words "plans and specifications" should be added.

Sir LAWRENCE PALK said, he had no objection to the proposed alteration, but he by no means anticipated that the Commissioners would be satisfied with any plans and specifications which might be forwarded to them.

Words were accordingly *added.*

Mr. G. HARDY proposed, in lines 26 and 27, to insert these words—"and the Commissioners may require the removal of existing buildings and dwellings, if they consider such removal necessary for purposes of the proposed improvements."

SIR GEORGE LEWIS had considerable doubt whether it would not be better to leave out the words with respect to the removal of cottages. It was possible that cottages might be cleared away and no new ones built.

MR. HENLEY said, he thought that it would be well to strike out the words at the end of the clause, which would give owners a power of applying for liberty to demolish cottages, without making them undertake to build others in their place. He did not think the Committee wanted to give a power to demolish cottages. What they wanted was to have them enlarged and improved. He did not believe there was any occasion to give power to pull down cottages, for they came down fast enough. The words "unfit for human habitation," which were proposed to be used in the clause, were very wide, and he was afraid that it would not be difficult to find a great number of houses which might come within such a description. It would be a wrong step in the way of improvement to pull down cottages and allow the occupants to find lodgings in the hedge-sides.

SIR LAWRENCE PALK said, that his object was to enable the Commissioners to sanction the removal of cottages which were unfit for human habitation, in order that better habitations might be erected in their stead. As amended in the manner which he proposed to amend it, the latter part of the clause would stand thus—

> "And the Commissioners may require from time to time existing dwellings to be removed if they shall consider such dwellings to be unfit for human habitation, or from any other cause likely to be injurious to life, and shall not sanction the erection of any greater number of dwellings than they shall consider sufficient for the accommodation of the labourers required for the proper cultivation of the estate."

SIR JERVOISE JERVOISE thought the words would delegate a very odious task to the Commissioners.

SIR GEORGE GREY said, that persons might get a professional order to pull down cottages without building new ones. The power of removal should not be given at all unless on the condition that the whole of the improvements were carried out.

MR. G. HARDY said, he considered the objection of the right hon. Gentleman (Sir George Grey) to be a serious one, and he would suggest that it would be better for his hon. Friend who had charge of the Bill to strike out the last part of the clause, and bring up a well-considered clause to effect the object which he proposed.

Clause, as amended, *agreed to.*

Clauses 10 to 14 *agreed to.*

Clause 15 (Inclosure Commissioners to grant Charging Order to Landowner who has obtained Provisional Order),

MR. HENLEY said, he objected to its retrospective or rather retroactive provisions. It provided that where a landlord, not having obtained a provisional order sanctioning a proposed cottage improvement, but having built or rebuilt, added to, enlarged, or otherwise improved any cottage on the land of which he was landowner, desired that the inheritance of the lands proposed to be charged should be charged with the expense of making the improvement, he might, within two years after the completion of the cottage improvement, apply to the Commissioners for a charging order under this Act in respect thereof. Rather than that such a power should be given he would move that the clause be omitted.

SIR GEORGE LEWIS said, he did not think it was desirable that there should be any retrospective legislation contained in the Bill. One security seemed to him most essential if they passed the measure, and that was that the Commissioners should have the power to see the work was properly executed during its progress. The clause did not provide that security, and he should, therefore, support the Amendment.

SIR LAWRENCE PALK said, he believed that the omission of the clause would go far to render the Bill inoperative. Gentlemen had a great objection to attend at public offices for the purpose of complying with preliminaries in cases where the object to be achieved was a small one. The inheritance would be sufficiently protected by the power of inspection.

MR. SOTHERON ESTCOURT said, he was of opinion that, if the clause passed, several other provisions of the Bill would be useless, for no one would take the trouble of going through the preliminaries which those other clauses provided.

Clause *struck out;* as were also Clauses 16, 17, 18, and 19.

Clause 20 (Limit of Amount to be Charged),

LORD HENLEY said, that there was a limitation as to the outside sum to be laid out on any one cottage. There might also be a limitation as to the smallest amount to be so expended. He would move that the sum should be "not exceeding £120, or less than £80."

Sir LAWRENCE PALK objected to the Amendment, and thought they might safely leave these matters of detail to the Commissioners.

Mr. DARBY GRIFFITH said, he thought the *maximum* of £120 would in many cases be inadequate, and suggested that it should be £150.

Mr. SOTHERON ESTCOURT said, he thought £120 had better be retained just as it stood in the Bill.

Mr. HENLEY said, that such an Amendment as that proposed by the hon. Member for Devizes (Mr. Griffith) would render the Bill inoperative, because an agricultural labourer would not be able to pay a rent equivalent to the interest on so large an outlay.

Mr. JACKSON said, that a good cottage could be constructed for £100.

Sir JOHN TRELAWNY believed that a roomy and even handsome cottage might be erected for £95.

Amendment *negatived.*

Sir GEORGE GREY said, the Commissioners were to judge to what extent the inheritance of the lands to be charged would be durably benefited by the erection of cottages. He asked how the Commissioners would be able to judge of the pecuniary benefit conferred upon an estate by the erection of such cottages? He questioned whether any direct pecuniary benefit would accrue from their erection.

Sir LAWRENCE PALK said, he wished to explain with reference to the introduction of the words as to an estate being pecuniarily benefited, that they had been introduced on the suggestion of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley). If the erection of cottages did not directly benefit an estate it did so indirectly, by improving the condition of the people, morally and physically. It was well known that the cottages built by the late Duke of Bedford at Tavistock had such a result. That was the first experiment made in the country on the subject, and since then the question of labourers' cottages had gradually forced itself on the attention of the community.

Mr. SOTHERON ESTCOURT said, the point had been already settled in Clause 10, where an applicant for building was to state to the Commissioners what the estimated increase of the value of the lands was to be. If it was not stated that the lands would be improved, the Commissioners would not grant the application, and, therefore, there was no necessity for the words proposed in Clause 20.

Mr. HENLEY said, he thought the restriction quite necessary, or otherwise there might be a great charge put upon an estate without any benefit whatever. Clause 10 only laid down what information the applicant was to give to the Commissioners, but that did not render the restriction in Clause 20 unnecessary.

Lord LOVAINE did not see by what standard the pecuniary benefit could be judged.

Sir LAWRENCE PALK said, he would move the omission of the latter part of the clause after the words £120.

Sir WILLIAM HEATHCOTE thought it very necessary to make it incumbent that benefit arising from the building of the cottages should be shown.

Sir GEORGE LEWIS said, the clause involved the chief difficulty in the Bill. The principle of the Drainage Act and other Acts of a similar nature was that the pecuniary benefit should be derived by the estate; and that meant benefit to the reversioner as well as the tenant for life. Every one knew that the building of labourers' cottages did not improve the rent of an estate, although it might be indirectly beneficial to an estate, by supplying more labour or improving its quality; but it was necessary to have some tangible standard which a court of equity would recognize; and it was impossible to resort to any better one than the standard of increase to the rental. He, therefore, thought that the words at the end of the clause should remain.

Mr. HENLEY said, the Bill for the first time enabled a tenant in fee simple to make a charge on the land which would have priority over other encumbrances. If the power were given without the guard of pecuniary benefit, the Bill would be inoperative.

Sir LAWRENCE PALK said, if it were the wish of the Committee he would retain the words at the end of the clause, though he thought they would be detrimental to the usefulness of the Bill.

Clause *agreed to.*

House *resumed;* Committee report Progress; to sit again *To-morrow.*

JERSEY COURT BILL.

SECOND READING.

Order for second reading read.

Mr. Serjeant PIGOTT said, he rose to move the second reading of this Bill. On moving for leave to bring in the Bill he had stated the objects of the Bill, and the necessity for amending the constitution, practice, and procedure of the Court of the island of Jersey. It would not, therefore, be necessary to detain the House at any great length. For a long period of time great complaints had been made about the delays in the law in Jersey, and three Secretaries of State had granted commissions to inquire into the state of the law and the mode in which it was administered. It was conceded on all hands that nothing could be worse than the administration of the law by the Royal Court of Jersey. That Court was composed of a bailiff who was appointed by the Crown, and paid partly by salary and partly by fees; and of twelve jurats, who were representatives of the several parishes in the island, and elected for life. These jurats not only acted as judges, but sat in the states and made laws for the island. In point of fact, they usurped the whole duties of the Royal Court, because the bailiff never delivered judgment except when the jurats were equally divided, and then he gave a casting vote. The attendance of the jurats was not compulsory, and they attended as they pleased. The consequence was that as all civil cases were adjourned, and as the Court at each adjournment must be constituted as at the first hearing, endless and vexatious delay took place before a case was finally decided. In 1846, a Commission was appointed to inquire into the working of the criminal, as well as the civil laws. The Commissioners reported that the jurats seldom received any legal education, and that the Court, as now constituted, was unfit to administer the law. But the incapacity of the tribunal did not constitute the greatest objection to it. The Commissioners said party feeling found its way into the Court, and that the jurats sometimes had a personal interest in the cases which came before them; and that the result was that the tribunal did not possess the confidence of the inhabitants of Jersey. It was proposed by that Commission that there should be three paid Judges, and that the jurats should cease to exercise their functions in the court. That was in 1846, but nothing having been done to carry out that recommendation, another Commission was appointed by Her Majesty on the address of the House in 1859, to inquire into the municipal laws of the island. That inquiry was conducted by three very able gentlemen, who went into the whole of the laws of the island, and in a very ample and able Report impeached the administration of the laws, and showed, from the evidence even of the jurats themselves, that whatever may have been in ancient times the fitness of the tribunal for its purposes under a wholly different state of society, the island had outgrown its system of judicature, which must be either abolished or reformed. The modes of procedure were simple, but the intolerable delays and vexations were the natural result of having a Judge who was powerless, the actual arbiters numerous, and without legal knowledge, and punctuality precarious. Under these circumstances he, at the commencement of the Session, inquired if the Government intended to bring in a measure on the subject, and finding that they did not he had introduced the present Bill, which was confined to the amendment of the constitution of the Courts and their procedure; and the abolition of arrest on *mesne* process. It would leave the jurats as they were at present, members of the States, elected in the same way as hitherto. It would not interfere with their election or with their legislative power; but they would cease to administer the law in the Royal Court, and in their stead would be appointed three Judges as proposed by the Commission of 1853. The only difference was that the Commissioners proposed that the Judges should be elected, while his Bill proposed that they should be nominated by the Crown, as the bailiff was under the present system. One cause of the existing evils was the fact that the jurats, being elected, were mixed up with parties and obliged to take part in political matters, which sometimes related to the proceedings going on in the Court. The Bill would also abolish imprisonment for debt, except upon affidavit. Under the present system of arrest on *mesne* process, a creditor could obtain, on payment of 1*s.*, a writ for the apprehension of the debtor. These documents were signed by the score. To illustrate the existing state of the law he might mention a single case. In 1857 an English gentleman, Mr. Dodd, was apprehended in Jersey, on *mesne* process for an alleged debt arising out of certain transactions relating to a trust fund in England, and in consequence of the English law relating to trusts not being understood in Jersey, the case was adjourned from time to time, referred to the greffier, decided in favour of the defendant by a Court consisting of a bailiff and two jurats, and then referred to the full Court on an appeal.

All the time the alleged debtor was in prison, and had no means of recovering his liberty, unless he had chosen to pay a sum of £300, which he really did not owe. While he was awaiting the result of the appeal, the creditor, who, according to the law of Jersey, had to pay 5*s.* a week for the maintenance of the defendant in prison, failed to keep up the payment, whereupon the defendant recovered his liberty in November, 1859, having been incarcerated since January, 1857. The appeal then came on, when the Royal Court decided that he ought never to have been arrested, and that the Jersey Courts had no jurisdiction in his case. Cases of that description could not occur if the proposal of abolishing *mesne* process without an affidavit was adopted. He might also refer to a case in which a gentleman, seeking to eject from certain property a person who had illegally taken possession of it, was told that he must join with himself in the action all those who had common rights over any portion of the property, and they numbered 800, and were most of them unknown to him; that was impossible, and he was obliged to abandon the cause. He might be met by an opposition emanating from the jurats themselves, setting forth that it would be a grievance if the Imperial Parliament should interfere with the affairs of the island. This representation was not entitled to much weight, because those who signed it had not then seen the measure. His Bill did not propose to tax the island, as the salaries of the Judges would be paid out of the Fee Fund and other sources. He should not have brought forward this Bill if he had not felt convinced that the States had determined not to apply any remedy. Indeed, from the very nature of the case, the reform could not be expected to proceed from the States, because the jurats took the most active and influential part in the proceedings of the States. As to the right of Parliament to legislate for the island, there could be no doubt legislation for Jersey had been going on from all time, and a great number of statutes applicable to the Channel Islands had been passed by Parliament. The question was whether there was not a necessity for the interference of the Legislature in the present case? In his opinion the reform was urgently called for, for the sake not only of the people of Jersey, but of Englishmen who went to reside there, and were injuriously affected by the maladministration of the law; and as there was no hope that the local legislature would do it, Parliament was bound to take it up. But if Her Majesty's Government had any desire to take the matter in their own hands, and thought that it ought not to be carried out by a private Member, he should with great pleasure give way to them. He was not anxious to force the matter, if he could be assured that the matter would be carried out by those who had a better opportunity of doing it successfully.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Sir GEORGE LEWIS said, he regretted that it was not in his power to vote for the second reading. He did not object to the hon. and learned Member having an opportunity of explaining the manner in which the Bill proposed to carry into effect the recommendations of the Royal Commissioners, but it did not seem desirable that Parliament should interfere by its legislation in the internal affairs of Jersey, and by an Act of Parliament make a constitutional change in that island except in case of necessity. As the Report of the Commissioners was only brought under the notice of the States of Jersey early in the present year, it did not appear that such a delay had occurred as would justify Parliament in resorting to that extreme measure. No reasonable doubt could exist as to the power of Parliament to legislate for the Channel Islands. The inhabitants of those islands were the subjects of Her Majesty, and he conceived that the universal constitutional rule was that to all subjects of the British Crown, wherever they were in a community as subjects of the British Crown, the supreme power of Parliament extended. That constitutional doctrine, however, appeared not to be admitted universally by the inhabitants of Jersey, by whom it was very generally held that laws affecting the constitution of the island could only be made by the States and the Crown, and that Jersey stood to the Crown of England in the same constitutional relation as Scotland before the Union and as Hanover the while belonging to Kings of England. He did not subscribe to that doctrine, for he entertained no doubt of the abstract power of Parliament to legislate for the Channel Islands, but, at the same time, he admitted that it was not the practice of Parliament to introduce by its own legislation constitutional changes in those islands. The practice was when Parliament passed general statutes affecting the United Kingdom of England, which in their terms included Jersey, that those statutes were directed by Order in Council to be registered in the Royal Court, and then obtained the force of law. Under these circumstances he confessed that he thought it would not be discreet to read the present Bill a second time. The inhabitants of Jersey were a loyal and well-affected community. Their geographical position and their language would rather connect them with France than with the United Kingdom; but, nevertheless, they were firmly attached to their ancient institutions; and though hon. Gentlemen, if they tried those institutions by an ideal standard or by an analogy with English law, might be disposed to condemn them, yet the people of the island, having inherited them from their forefathers, and not finding anything in their working to which they materially objected, viewed them in a different light. In the absence, then, of any strong dissatisfaction among the inhabitants of Jersey he did not think it prudent for Parliament to interfere, and he should, therefore, move as an Amendment that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

MR. ROLT said, he questioned whether the British Parliament was authorized to legislate for Jersey. He was by no means sure that the people of Jersey were subjects of the Crown of Great Britain as the Sovereign of Great Britain. His recollection of their history was that they formed part of the Dukedom of Normandy. A large portion of that dukedom revolted from the duke, leaving him nothing but the sovereignty of a few places of which these islands formed part. If that was so, then Jersey was only subject to the Kings of Great Britain in their capacity as the Dukes of Normandy. Might was often represented to be right, and he did not say that at some time it would not, perhaps, be necessary to act on that doctrine, but it was a very serious matter, and the question arose whether, in legislating in the way proposed, they were not asserting the right of conquerors, although Jersey was not a conquered country? As the Government suggested that the second reading of the Bill should not be proceeded with, he would not enter into the question further, but whenever the matter was again brought forward he hoped some attempt would be made to show in what way the subjects of the Dukes of Normandy became subjects of the Sovereign of Great Britain. He hoped it would not be inferred that he thought the laws of Jersey to be in a perfect condition, but the constitutional authority ought to alter them, and if it failed to do so, then, if it was thought right that Jersey should be annexed to Great Britain, such a step ought to be taken openly, and after the greatest consideration.

MR. E. P. BOUVERIE said, he was startled at the position assumed by the hon. and learned Gentleman that Parliament had no authority or right whatever to deal with the Channel Islands, or to legislate for them. At the revolution of 1688 the Channel Islands followed the Act of Settlement, and that was as great an interference as could be exercised under any Act of Parliament. He rather thought that the hon. and learned Gentleman pitched the claims of the inhabitants of the Channel Islands higher than they were disposed to do themselves. The right of Parliament, however, ought to be exercised with the greatest caution and discretion, and the best way of securing a change being effected by the ordinary legislative authority of the Channel Islands was to hold out the prospect of the interference of Parliament, if a strong case of necessity for such interference were established.

MR. WALPOLE said, that the hon. and learned Member for West Gloucestershire (Mr. Rolt) only stated that there was great doubt as to the authority of Parliament to deal with the Channel Islands, but did not give, as represented by the right hon. Gentleman who last spoke, any positive opinion that Parliament had no such power. In any opinion of that sort he, certainly, for one could not have agreed for he believed that it would be found that Parliament had a right to interfere, though probably in a different mode from that now proposed, and by address to the Crown to call for the exercise of the prerogative by means of Orders in Council. There were two classes of people in the Channel Islands—the representatives of the old inhabitants and Englishmen who had gone to reside there, and who took a different view of the customs and institutions of the islands from that entertained by the older inhabitants. That was an additional reason for proceeding with great caution. He thought it desirable not to go on with the present Bill. The best way was to leave the matter in the hands of the responsible advisers of the Crown, and in the meantime the inhabitants of Jersey would have the opportunity of considering the admirable Report of the Commissioners.

MR. HADFIELD said, the right of this House to legislate for the Channel Islands had been so often admitted that an objection to it then was matter of surprise. The right hon. Secretary for the Home Department asserted the right when this Bill was first introduced, and he had that day re-asserted the same opinion. The right hon. Member for Wilts, when he held the same office, two years ago, after full deliberation, and with the advice and approbation of the right hon. and learned Member for the University of Cambridge, expressed in this House, had satisfied himself that the House had the right to legislate in the matter, and he advised a Royal Commission to be issued to inquire into the laws of Jersey in civil matters, with a view to reform them. In 1846 the right hon. the Chancellor of the Duchy of Lancaster, then Home Secretary, had advised to be issued a Royal Commission of Inquiry in matters of criminal law in Jersey. Three Governments of different political parties and principles, supported by both sides of the House, had asserted the right to legislate for Jersey. The right hon. the Chancellor of the Duchy of Lancaster in 1846 had sent a letter to Guernsey, expressing an intention to legislate for the Islands. [Sir GEORGE GREY: I did not give an opinion as to the right of Parliament to legislate.] He regretted he did not bring a copy of the letter with him, but he had not been aware of any distinction. No doubt he (Mr. Hadfield) was wrong. Why issue, at great expense to this country, two Commissions of Inquiry if there had been a doubt as to the right to redress existing grievances when ascertained? By this Bill it was intended to reform the Royal Court, and little more. It was impossible to begin the work of reform more mildly. It would assist in future improvement by establishing a sound process of administering justice; and it would constitute a *fulcrum* on which to proceed with safety in future measures. It imposed no new tax on the people, and that would delight every Jersey-man who loved our laws but disliked our taxes. It made no new laws, except to regulate and control the present law of arrest, which rendered it unsafe for an English trader to visit Jersey. So late as last week an advocate (M. Gibaut) said, in open court—

> "If this system of arrest were continued it would be dangerous for English creditors to come over to Jersey and visit their debtors, if they could be put in jail on *ex-parte* statements."

He asserted that that

> "Case was another illustration of a debtor arresting his creditor, because the former wished the latter to give up his goods without receiving cash."
>
> "No doubt it was a very ingenious way of getting goods and staving off the payment."

Was this a proper way of treating Her Majesty's subjects in any part of Her Majesty's dominions or dependencies? The statements of grievances arising from this state of things were so numerous that he had despaired of being able to condense the recital of them so as to present them in an acceptable form to the House. Generally, they were admitted, and, therefore, the time had arrived to take some action. After the lapse of fifteen years, he contended, there had been deliberation enough. One or other of two courses was now before the House—either to read the Bill a second time, and thus assert the right of Parliament to legislate, or to let the Government undertake the business for the future, for the benefit of everybody. He insisted the Bill, when passed, would, under any circumstances, be useful, and he was assured it was approved by many of the inhabitants of Jersey as the foundation for future improvement. He cordially supported it, and was confident the late inquiries and reports would entitle the right hon. Members who had been the promoters of them to the thanks of the people of Jersey. He would divide with the learned Serjeant if he went to a division, and hoped he would do so, unless the Government would take in hand the future conduct of the needful legal reforms in the island.

MR. SOTHERON ESTCOURT observed, that if there should be a division he should vote with the right hon. Gentleman the Home Secretary. He did not share in the opinion that Parliament was not competent to deal legislatively with Jersey, but such an opinion being held by hon. Gentlemen holding a high legal position, and whose judgment, therefore, was entitled to respect, formed a reason why Parliament should proceed in the matter with great reserve. He thought that the hon. and learned Gentleman had done good by bringing the matter under consideration. The Bill represented very fairly the opinion of the Commissioners as expressed in their very able Report, and the inhabitants of Jersey would understand that a great number of the Members of that House conceived that the laws and constitution of their island required entire remodelling. Unless they effected the necessary reforms themselves, he trusted that the hon. and learned Gentleman or the Government would in a future year introduce some measure for reforming the laws of Jersey, and making them more in accordance with personal liberty and fair justice between man and man.

MR. SERJEANT PIGOTT, in reply, said, the doctrines started by the hon. and learned Member for Gloucestershire had very much surprised him. There could be no doubt that Parliament had a right to interfere in improving the proceedings of the states of the island, and if he could believe the question at issue was in training for ultimate settlement he should not object to the postponement which had been suggested. He trusted, however, that if no reform took place between that and the next Session in the direction to which the Bill pointed he should be afforded an opportunity of again bringing the subject before the House.

Amendment and Motion, by leave, *withdrawn.*

Bill *withdrawn.*

VOTES FOR DISQUALIFIED CANDIDATES BILL.—SECOND READING.

Order for Second Reading read.

MR. BUTT said, he would move the Second Reading of the Bill. It was in accordance with the recommendations of a Committee and the views of the law officers. It provided that a vote given in good faith for a candidate, who had been guilty of bribery, should not be held to have been thrown away, so that under its operation a candidate who had not really obtained a majority of votes in his favour could not be held to be entitled to a seat in that House.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. COLLINS said, he hoped the right hon. Gentleman the Home Secretary would give his opinion upon the Bill before it passed through another stage. The questions which it proposed to settle were numerous, and had very much perplexed election Committees, and the consequence was that conflicting decisions had been arrived at. If voters were to be disqualified there would be a great inducement to petition against the return of Members. He hoped there would be a distinct declaration as to how the law now stood. If read a second time the Bill ought to be referred to a Select Committee, and it ought to be considered in reference to the question of bribery.

SIR GEORGE GREY said, he believed that those most conversant with election law would admit that the rule generally acted upon was that the disqualification to be fatal must be a disqualification founded upon the fact that the public had knowledge that the candidate had been guilty of bribery. As, however, there appeared to be some uncertainty in the law with respect to the validity of these votes, he thought it would be well if the House would assent to the second reading of the Bill. He was, however, of opinion, that its operation should be limited to cases in which the voter could be proved to have willingly and knowingly given his vote in favour of a disqualified candidate.

MR. G. W. HOPE said, he thought if they meant to put down bribery they should make the exercise of it as dangerous as possible. The law ought to be clearly and distinctly declared, as at present the decisions in the books of election Committees were strongly opposed to one another.

MR. DARBY GRIFFITH said, he was opposed to the present course of proceeding. If they desired to put down bribery, the man who bribed should lose his seat, and the man who did not should have it. That measure was piecemeal legislation, anticipating the other Bill which was before the House, and it ought to be dealt with at once and postponed for a fortnight. He should move an Amendment to that effect.

SIR GEORGE LEWIS said, the Bill introduced by him did not contain any clause on the subject, which he thought it was desirable to have settled. He thought the principle of the Bill was right, and, therefore, he was in favour of reading the Bill a second time. All the objections could be satisfactorily disposed of in Committee.

SIR FRANCIS GOLDSMID said, he objected to the Bill. The 3rd Clause would exempt candidates from all fear of the result of committing bribery; and further time ought to be given to consider such a measure.

Debate *adjourned* till *To-morrow.*

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, June 27, 1861.

MINUTES.] PUBLIC BILLS.—1^{a} Harbours; Public Works (Ireland) Advances and Repayments of Monies; Voters (Ireland).

3^{a} East India Loan.

The Lord BROUGHAM AND VAUX—Chosen Speaker in the Absence of the Lord Speaker.

LORD CHANCELLOR.

THE LORD PRESIDENT acquainted the House, That Her Majesty had been pleased to create The Right Honourable Sir Richard Bethell, Knight, Lord Chancellor of Great Britain, a Peer of this Realm, by the Title of Baron Westbury; and his Lordship, having retired to robe, was introduced in the usual Manner.

THE TURNER GALLERY.

QUESTION.

LORD ST. LEONARDS rose to ask the President of the Council, Whether any steps had been taken to provide a separate Gallery for Turner's Pictures in connection with the National Gallery, according to the conditions of his Will under which the Nation possesses the Pictures? The Nation under Mr. Turner's will received 324 paintings, and a vast number of water-colour drawings, and the Royal Academy had received £20,000, and both the Nation and the Academy appeared to be under the impression that these gifts were received without any conditions. But the pictures were bequeathed to the Nation on conditions, and the Nation took them subject to every condition imposed by the will. On a former occasion when he drew the attention of the House to this subject, the Government then represented by the noble Marquess opposite (Lord Lansdowne) pledged themselves that the intentions of Mr. Turner should be carried out, and his noble Friend (Lord Derby) after he had succeeded to the head of the Government said that he considered himself bound by the declaration of the preceding Government. The conditions upon which the pictures were received were these. Turner by his will gave two of his pictures to the National Gallery upon the terms that they should be permanently placed between two of Claude's, and as to those two pictures no question arose; the condition had always been performed. He also bequeathed his other pictures to the nation, and by a codicil he desired that a gallery should be erected for them, and that his pictures should form a separate collection, to be called the Turner Gallery. By the second codicil, dated in 1848, he gave his finished pictures, except the two previously mentioned, to the Trustees of the National Gallery provided that a room or rooms should be added to the present National Gallery, to be entitled "The Turner Gallery;" and the Trustees were not to have any power over the pictures unless his wishes were fully carried out by them. By a third codicil, also in 1848, he directed that if the Trustees of the National Gallery should not carry out the provisions of his will within five years then the bequest should be void; and by a fourth codicil, in 1849, he enlarged the term to ten years. He had no hesitation in saying that the Nation received these pictures subject to the legal obligation contained in the codicils. But there were higher obligations—moral obligation and national honour. The pictures were removed from the house in Queen Ann Street for fear of fire and for better preservation; but a question arose between Turner's relations and the Trustees of the National Gallery, and a decree made by Vice Chancellor Kindersley declared that all pictures, drawings, and sketches by Turner, whether finished or unfinished, were to be retained for the benefit of the public. This decree established the title of the Nation, but this title was clearly subject to the conditions of the will. It then became necessary to find a home for the pictures, and they were at first placed in Marlborough House, but subsequently another place was required for their reception, and a home was formed at South Kensington. To this arrangement he (Lord St. Leonards) could not object for a board was affixed to the gates of Marlborough House stating that the removal of the pictures to Kensington was only for a temporary purpose. The galleries in which the pictures were now exhibited were lighted by gas on certain evenings. Gas was well known to be highly explosive and otherwise dangerous, so that even if sufficient precautions had been taken to prevent injury to the paintings from the vapours of gas, still there remained a considerable amount of risk. No nation in the world possessed so large and so valuable a collection of paintings by one artist, and it would be a lasting reproach if those inestimable pictures were lost through any want of care. Mr. Ruskin, who, if no authority upon the subject of gas, must be admitted to be a high authority in art, has written a letter to *The Times*, exonerating himself from all responsibility for the removal of the pictures to Kensington, and stating his belief that serious injury might be done to the pictures from being exposed to the influence of gas, the works of Turner and Reynolds being peculiarly liable to injury from that cause. Other authorities had expressed the opinion that the use of gas in picture galleries was attended with great risk. After the recent additions to the National Gallery of which he highly approved, he observed with regret that no attempt had been made to perform the undertaking of two successive Governments to which he had before referred. This, therefore, rendered his present inquiry necessary. When Turner had painted a picture which he thought ought to belong to the country no offer of money would induce him to sell it. In the case of the De Talby picture, now in the National Gallery, which had been sold, he bought it back upon Lord de Talby's death at a great price in order to leave it to the Nation. The value of the pictures was enormous, and what now remained to be done was that the Turner Gallery should be annexed to the National Gallery, as part of the possessions of the Nation, and they should be removed from Kensington without delay in order to comply with the conditions upon which the Nation holds them. He had ascertained most satisfactorily that a gallery could now be erected in direct communication with the existing building in Trafalgar Square, and he hoped that no real difficulties would be found to lie in the way of a public grant for the purpose.

EARL GRANVILLE was understood to say that he was quite sure the whole of their Lordships had a high admiration of the genius of Turner as a painter, and that they all appreciated the love of art displayed by the noble and learned Lord who had brought forward this subject. With respect to the will of the deceased artist, and the validity of the Nation's title to these pictures, those were points on which he did not feel himself competent to express an opinion, and which he would, therefore, leave to the proper legal authorities. As to the question of what was to be done with this collection, he must say it was at present placed in a building of a perfectly substantial character, and one admirably adapted for the purposes for which it was intended. It had been found, he believed, as perfect as any gallery in Europe for the display of pictures. Several plans had been suggested for providing accommodation for these pictures, but those plans had not yet been fully inquired into, and it would, therefore, be premature to express an opinion on the subject. Then, with regard to the question of the safety of the collection, he must say he did not agree with the apprehensions that had been expressed on that head. He believed this valuable collection was as safe as any pictures could be; and as to their being exhibited by gaslight, immense advantage resulted from that arrangement. The paintings were thereby showed in a manner in which they had never been seen before, their beauties were well brought out, and open to the inspection of classes of persons who could not visit them except in the evening. In the opinion of Mr. Faraday, Mr. Tindal, and other eminent authorities, not the slightest damage or danger to the pictures need be apprehended from the manner in which the Kensington Museum was lighted. The pictures had all been recently carefully examined, and no injury whatever could be detected. Those from which photographs were taken had been examined only last month, and they were all found entirely free from injury. It was most creditable to the authorities at Kensington Museum that both in winter and summer the ventilation had been of a most perfect character, a good and equable temperature being maintained: and some part of this good result was to be attributed to the assistance of gas in the ventilation. The recommendations of the noble and learned Lord, however, should receive every attention.

LORD OVERSTONE was anxious to say a few words on this subject. Their Lordships would easily understand that the Trustees of the National Gallery felt themselves placed in a somewhat embarrassing situation in consequence of the serious ambiguities which attached to the Turner Trust. He must beg to express his sincere thanks to the noble and learned Lord who had now a second time brought this subject distinctly under the notice of the Government, and he trusted under the serious consideration of their Lordships. He had listened to the statement of the noble and learned Lord with great attention and interest, and he wished that he could say that he had listened to the reply of his noble Friend the President of the Council with more unmixed satisfaction. With regard to the general question of these donations and bequests of pictures made to the country he thought it most important, on various grounds, that the Nation should exhibit the most strict and scrupulous fidelity in carrying out the presumed wishes and intentions of the testators. That was necessary on account of the moral effect which must result from such public example of good faith; and, in a secondary sense, it was of great importance as an encouragement to future collectors and lovers of the fine arts, who, stimulated by such noble examples, might be disposed to follow them, and add to the magnificent collection this country already possesses by donations of a similar character. With regard to the particular question now before their Lordships, he expressed the feeling of the whole country when he said it was impossible to speak of Turner's gift to the Nation in too high terms. It was a noble gift—at once a monument of the high point to which British art has been carried in our day, and of what might be accomplished by one man in whom the great gift of genius was improved and carried out by his own persevering industry and indomitable energy. There was, no doubt, some ambiguity in Mr. Turner's will. He was of a peculiar temperament, and perhaps sensitive in his feelings and wishes as to the mode in which his bequest should be carried out; but, notwithstanding the doubts which had been thrown on the purport of his will, he thought that any one who should faithfully and honourably endeavour to elicit the real wish and intention of the testator would encounter no great difficulty in arriving at it. He entertained not the slightest doubt that the ambition by which Mr. Turner was actuated was to demonstrate to the British nation that his works had a right to be brought into immediate contact, comparison, and competition, not merely with the highest productions of his own fellow-countrymen and age, but with the great works of the old and established masters. That this was his principle and wish might be inferred from the fact that the two pictures alluded to by the noble and learned Lord now hanging in the National Gallery had been bequeathed distinctly on the condition that they should be hung between the two great pictures by Claude, so that their merits might be put to the severest test by the comparison. Would any man say this was not a noble aspiration? had England any ground to be disssatisfied with the competitive examination, as he might term it, that Turner had instituted? It was an honorable rivalship and might it not be confidently said that to whomsoever the first prize should be awarded the second place might be held without discredit? Having so disposed of these two pictures, and coming to deal with that larger collection of works of art which had proceeded from his single hand, how did Mr. Turner proceed? Amid all ambiguities it was quite clear that he intended these pictures to be given to the Nation, and to be received as a solemn trust; that they should be placed in a gallery by themselves—a gallery to be distinguished and known by his own name, and that the gallery so erected should be in immediate contact with the great National Gallery—still looking to a comparison of his works with the collected works of art in the country. It was for their Lordships and for his noble Friend the President of the Council, who spoke on behalf of the country, to consider whether the present apartments at Kensington did really carry out the intentions of the donor. It seemed that this collection of Turner's works had been placed side by side with that given to the country by Mr. Sheepshanks. There was this difference, however, between the two donations. Mr. Sheepshanks, who was no artist himself, had formed a miscellaneous collection of pictures, the productions of artists of the present time, and his magnificent gift was expressly stated to be for the purpose of affording facilities of study to students of art, and with this view it was not to be placed in the hands of any body of trustees but to remain under the control and responsibility of a Minister of the Crown. It was to be specially placed on the site at Kensington, purchased in 1851, and where a School of Art was established. By the arrangements now existing the noble and honourable purpose of Mr. Sheepshanks was fully and faithfully carried out. The gallery of Mr. Vernon, to all appearance, was under the same regulations as that of Mr. Sheepshanks. But the views and directions of Mr. Turner were the opposite of all this. The gallery was to be marked by his own name, and no allusion was made by him to schools of art or purposes of study in juxtaposition to the National Gallery for the purpose of direct comparison with the great works of art there assembled was the one predominant feeling and wish indicated in Turner's will. Indeed, he would say that, in proportion as the existing arrangements did full and faithful justice to the terms of the Sheepshanks' donation they failed to do justice to those of Mr. Turner. He believed that if Mr. Turner could have foreseen the present state of things he would have reverted to one of his earlier codicils and would have ordered his pictures to be sold, the proceeds to be placed, perhaps, at the command of the Royal Academy, or some analogous institution. He trusted, however, that the Government would recognize the obligation to carry out the obvious meaning of the will, and that the time was not far distant when the pictures would be placed in a gallery of their own attached to the National Gallery. The question was one which concerned the public honour and good faith and the encouragement of future donors, and he hoped that some arrangement different from that which now exists, and more consonant with the conditions under which the bequest was accepted by the Nation would before long be adopted.

LORD MONTEAGLE was glad to hear from the Lord President of the Council that the Turner pictures were never so well seen as at present. He was afraid, however, that they ran considerable risk of being destroyed. For his own part, he entertained the greatest apprehensions whenever there was an exhibition by night, and he doubted whether private individuals would expose their collections to the same danger.

THE EARL OF ELLESMERE said, he was not, from the experience of his own pictures, of opinion that gas was either so dangerous or deleterious as had been represented. Some danger there might be, but not more than could be easily guarded against.

THE PEERS' ROBING ROOM.

LORD REDESDALE rose to move the Appointment of a Select Committee to inquire into the Progress made in the Wall Paintings of the Peers' Robing Room, and to report when the Room will be ready for Occupation; or in what Manner, if the Paintings are not likely to be completed shortly, the Room may be rendered available for the Use of the House during the Sitting of Parliament. He found from a Report presented to the other House of Parliament that so little progress had been made with the paintings in the Robing Room that, unless some pressure were put upon the artist, their Lordships would continue to be deprived of the use of the apartment in question for a long time to come. The first engagement with Mr. Herbert, whom he highly respected for his talent, was made in 1851. There were to be nine paintings in the Robing Room, for which the artist was to receive £9,000. Of that sum £1,000 was paid in 1851. Although the room had been delivered up for considerably more than three years, there was no certainty as to the time when the pictures would be completed. A Committee of the other House had inquired and reported, and he could see no objection to a Committee of this House, which was much more deeply interested, being appointed. He wished it to be distinctly understood that, except a general complaint of the dilatory progress of the artists, he made no imputation upon them. He desired to consult their convenience, but he thought it not impossible to afford some accommodation to their Lordships while the cartoons were being painted. As not one of the nine paintings was completed, it was obvious that the Peers would never have a chance of getting into the room unless some steps were taken to show a desire on their part for its occupation. The noble Lord concluded by moving the appointment of the Committee.

EARL GRANVILLE said, he should be very sorry if the appointment of the Committee should be supposed to reflect in the slightest degree upon the artists. It was not sufficient to pay a just tribute to English artists—it was their Lordships' duty to encourage those men who were most likely to carry the reputation of British art to a very high degree. As far as Mr. Herbert was concerned, he had shown a most laudable disinterestedness by refusing magnificent offers to paint pictures for private persons. It was only in 1858 that Mr. Herbert was placed in possession of the room, and 400 feet of painting had been destroyed by his own hand, because, although others were perfectly satisfied, he was not himself satisfied with the result. He believed that it had cost Mr. Herbert more than £3,000, and he thought this a fact very creditable to him. At the same time, it was quite clear that their Lordships ought not to be put to unreasonable inconvenience, and on that account, as well as for the sake of Mr. Herbert himself, it was desirable to appoint the Committee. Entering into the spirit in which the noble Lord had proposed his Motion he should readily agree to it.

Motion *agreed to.*

Select Committee appointed.

And on the Morrow the Lords following were named of the Committee:—

Ld. Privy Seal.
M. Bath.
E. St. Germans.
V. Sydney.
V. Hardinge.
V. Eversley.
L. Colville of Culross.
L. Redesdale.
L. Colchester.
L. Wynford.
L. Elgin.
L. Overstone.
L. Taunton.

House adjourned at Seven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, June 27, 1861.

MINUTES.] PUBLIC BILLS.—2° Public Houses (Scotland) Acts Amendment; Metropolitan Police Force Pensions; Government of the Navy.

3° Courts of Justice Building; Piers and Harbours.

THE CENSUS IN IRELAND.
QUESTION.

SIR FREDERICK HEYGATE said, he wished to ask the Chief Secretary for Ireland, If an unrevised Report of the result of the Census in Ireland, similar to that lately furnished for England and Wales, will be presented to the House; and, if so, how soon it may be expected?

MR. CARDWELL said, he had been informed by the Irish Census Commissioners that about the middle of July he would be able to lay a Return on the Table relative to the Census in Ireland. That Return would be a revised one, and would differ from the Census of this country, inasmuch as it would show the religious denominations into which the people were divided.

OFFICERS OF THE INDIAN NAVY.
QUESTION.

VISCOUNT VALLETORT said, he would beg to ask the Secretary of State for India, Whether any measures are to be taken, as formerly recommended by Lord Elphinstone, for improving the position of Officers in the Indian Navy, as regarded retirement and allowances; and, if so, what is likely to be the nature of them?

SIR CHARLES WOOD said, the recommendations of Lord Elphinstone as to the improvement of the Officers of the Indian Navy, together with other questions concerning that Navy, were under the consideration of the Indian Government, and that no decision had as yet been taken regarding them.

CASUAL POOR.—QUESTION.

VISCOUNT RAYNHAM said, he wished to ask the President of the Poor Law Board, Whether the authorities of workhouses are not bound by law to admit at all times all persons who apply to them for admission, and, therefore, if, on the application of any person for admission into any workhouse, the portion of that establishment usually allotted to the casual poor should happen to be filled, the person in charge of such establishment is not compelled to find for the applicant accommodation in some other part of the premises, or a free lodging elsewhere, and whether it is lawful for the authorities of workhouses to place persons admitted in a clean condition in the same room with those who are not? He asked the question in consequence of poor persons having been frequently refused admission, and also on account of the bad accommodation provided.

MR. C. P. VILLIERS stated that, according to his apprehension of the law, the officials of workhouses were bound to admit all persons who had an order from the competent authorities, namely, Boards of Guardians, Relieving Officers, and Overseers; in cases of necessity they were bound to admit them even without orders, and if the House was full the Master was bound to refer the applicant to the Relieving Officer, whose duty it was to find relief in other quarters. With reference to putting persons in a clean condition into the same room with persons who were not clean, he had to state that all persons admitted to the workhouses were washed and cleansed before entering them, and were bound to be kept so while there.

CONVICT ESTABLISHMENT IN IRELAND.
QUESTION.

LORD NAAS said, he wished to ask the Chief Secretary for Ireland, Whether

Captain Crofton has intimated to the Government that, in his opinion, great difficulties will arise in carrying on the business of the Irish Convict Department owing to the reduction that has lately been made in the number of the Directors of the Convict Prisons; and whether Captain Crofton has, in consequence, announced his intention of retiring from the Service?

MR. CARDWELL said, that on the occurrence of a recent vacancy it was thought right to ascertain by experience whether it was necessary to fill it up or not, and the Government intimated their intention to that effect. It was true that Captain Crofton had expressed himself to the Irish Government in the manner stated in the question of his noble Friend. A temporary arrangement had been made by which the local inspector of the department would be relieved from a part of his duties by a removal of a portion of the convicts to another place. He could assure his noble Friend that while the Government were anxious to make the most economical arrangements, they had no intention to interfere with the efficiency of the convict department. It was not true that Captain Crofton had resigned; but he had intimated an apprehension that he might be compelled to resign on account of the state of his health. He trusted that necessity would not arise, and that Captain Crofton would continue, as heretofore, to discharge his duties in connection with the Convict Department.

AFFAIRS OF NEW GRANADA.

QUESTION.

MR. H. BERKELEY said, he would beg to ask the Secretary of State for Foreign Affairs, Whether Her Majesty's Government recognize a Notification issued by Senor Martin, Minister Plenipotentiary to this Court from the Granadian Confederation, better known as the Republic of New Granada, which announces a blockade of the Ports of Rio Hache, Santa Martha, Savanilla, Carthagena, and Zapote; and what Government does Her Majesty's Government recognize in the so-called Granadian Confederation?

LORD JOHN RUSSELL said, the question was one of great importance. The Government of New Granada had announced, not a blockade, but that certain ports of New Granada were to be closed. Now, the opinion of Her Majesty's Government, after taking legal advice upon the question, was that it was perfectly competent to a Government of a country in a state of tranquillity to say which ports should be open to trade and which should be closed. But in the event of insurrection or civil war in that country it was not competent for its Government to close ports which were *de facto* in the hands of the insurgents; and that such a proceeding would be an invasion of the international law relating to blockade. Admiral Milne, acting under the advice of Her Majesty's Government, had ordered the commanders of Her Majesty's ships not to recognize the closing of those ports. He would answer the other portion of the hon. Gentleman's inquiry upon another day.

SOUTH KENSINGTON MUSEUM.

EXPLANATION.

MR. LOWE said, that, in answering a question put the other evening relative to the South Kensington Museum by the noble Lord the Member for Herefordshire (Lord W. Graham), he had quoted what he believed to be a paragraph from the Report of the Committee of last Session. Since then the noble Lord had put a notice on the paper that he would ask—

> "Whether he (Mr. Lowe) is aware that the paragraph which he quoted as from the Report of the Committee on the South Kensington Museum with respect to Captain Fowke's Plan was taken from the Draft Report drawn up by himself, which paragraph was considerably altered, curtailed, and amended in the Report adopted by the Committee."

It was only after seeing that notice he was made aware that he had committed an error, and that he had read a paragraph from a Draft Report instead of from the Report adopted by the Committee. The paragraphs began in the same way, and he was thus led into the error, for which he would now beg to apologize. He would now read the paragraph which he intended to have read before. They were substantially to the same effect, the only difference being the omission by the Committee of some words laudatory of Captain Fowke's plan. The paragraph he meant to read was—

> "Your Committee are by no means anxious to involve the revenue in large expenses for mere ornament. The Museum is yet in course of formation, and they think it unwise to commit the country to a heavy expense in anticipation of its wants. The Committee recommend that any plan which may be adopted for the buildings to be erected should be capable of being worked into a general plan which would at once fully occupy the ground, and be susceptible of a proper amount of decoration. Such a plan has been laid before the Committee by Captain Fowke."

THE FIRE IN TOOLEY STREET.
QUESTION.

Mr. Alderman SALOMONS said, he would beg to ask the Secretary of State for the Home Department, If he proposes making inquiry into the circumstances attending the commencement of the recent Fire in Tooley Street, with a view of ascertaining whether there was a sufficient supply of water in the mains of the Company supplying the district?

Sir GEORGE LEWIS said, that in consequence of the notice given by his hon. Friend, he had applied to the Commissioners of Police, and the information which had been obtained from the Superintendent of Police who was on the spot at the time of this disastrous fire, was, that there was not a sufficient supply of water when the engines first arrived. He did not think that any additional inquiry was likely to throw further light on the subject.

OFFICERS OF THE INDIAN NAVY.
QUESTION.

Mr. ANGERSTEIN said, he would beg to ask the Secretary of State for India, In what position Officers of the Indian Navy will in future be placed by the transfer of the Government of India to the Crown?

Sir CHARLES WOOD was understood to say that the position of those Officers had not been altered by the change of Government alluded to.

ADMISSION TO SANDHURST AND WOOLWICH.—QUESTION.

Mr. BUTLER JOHNSTONE said, he wished to ask the Under Secretary of State for War, How many Candidates are on the list for admission to Sandhurst and Woolwich at the present time; also the average number of direct Commissions from each College annually for the last five years?

Mr. T. G. BARING said, the number of Candidates for admission to Sandhurst was 164, and for Woolwich 266. The number of Commissions from Sandhurst during the last five years was thirty-four upon the average of each year, and from Woolwich eighty, of which number fifty were to the Artillery and thirty to the Engineers.

THE *GREAT EASTERN* STEAM SHIP.
QUESTION.

Mr. BRISTOW said, he wished to ask the Secretary to the Admiralty, To state the date of the Instructions to the Admiralty Surveyor to inspect and report upon the *Great Eastern* Steam Vessel, and the date of the Surveyor's Report in consequence of such Instructions; and whether there will be any objection to laying the Report of the Admiralty Surveyor as to the Vessel upon the Table of the House?

Lord CLARENCE PAGET said, that the Admiralty Surveyor was instructed to inspect and report upon the *Great Eastern* Steam Vessel on the 10th of June, and his survey was dated the 13th of June. It was not usual for similar Reports to be made public for many reasons; but as great interest was felt in this ship he should not offer any objection to the Surveyor's Report being laid upon the Table if the hon. Gentleman moved for it. It would be found to be very satisfactory.

FISHERIES IN IRELAND.—QUESTION.

Mr. GARNETT said, he rose to ask the Chief Secretary for Ireland, Whether the Commissioners of Fisheries in Ireland have sent in their Report for the year 1860; and if not, what is the reason of the delay, and when it will be laid upon the Table of the House?

Mr. CARDWELL said, that the Commissioners of Fisheries in Ireland had sent in their Report for the previous year. It was in type, and would very shortly be laid upon the Table. He would endeavour to have it laid before the Select Committee on Monday.

EAST INDIA COUNCIL, &c., BILL.
CONSIDERATION.

Order for Consideration read.

Clause 3 (Composition of the Council of the Governor General of India),

Mr. DANBY SEYMOUR moved to leave out the words "there shall be" and insert "it shall be lawful to appoint." The effect of his Amendment would be to make permissive instead of compulsory the appointment of the full number of the Council.

Amendment proposed, in page 2, line 27, to leave out the words "there shall be," and insert the words "it shall be lawful to appoint"—instead thereof—

Sir CHARLES WOOD said, that the question had been already discussed and decided in Committee. Experience had shown that five Members were little enough to carry on the business of the Council.

Mr. H. BAILLIE said, that although the present Secretary for India might think five Members necessary his successor might be of a different opinion. Yet as the clause stood he would not have the power of suspending the appointment.

Question put, "That the words 'there shall be' stand part of the Bill."

The House *divided*:—Ayes 155; Noes 60: Majority 95.

SIR CHARLES WOOD proposed to insert words providing that one Member of the Council should be a barrister of not less than five years' standing.

Amendment proposed, in page 2, line 37, after the word "two," to insert the words "one of whom shall be a Barrister or a Member of the Faculty of Advocates in Scotland of not less than five years' standing."

MR. LAYARD considered that five years' standing was too short a period to entitle a man to be sent to India as a Member of the Council, and moved an Amendment that "ten years" should be inserted instead of "five years."

Amendment proposed to said proposed Amendment, to leave out the word "five," and insert the word "ten," instead thereof—

MR. VANSITTART supported the Amendment. The Judges of County Courts were required to be of seven years standing, and he thought that, compared with their duties, the functions which the legal Member of the Council would be called upon to discharge were very important, and that, therefore, a standing of five years was too brief a qualification.

SIR CHARLES WOOD observed that the proposition he made was in accordance with the practice in respect to legal appointments in India.

MR. J. B. SMITH said, that the legal Member of the Governor's Council would have to superintend all the cases brought up from the different Legislatures of the respective Presidencies, and a standing of five years would hardly afford a sufficient security that the person appointed as legal Member was properly conversant with the duties required.

COLONEL SYKES remarked that a barrister of five years' standing might never have held a brief in his life, and yet it was proposed to make him qualified to hold one of the highest offices in the State with a salary of £8,000 a year.

SIR MINTO FARQUHAR supported the Amendment.

MR. PULLER stated that a barrister of five years' standing, though without practice in the Courts, might have had a great deal of practice in special pleading; and it would be better to leave it to the responsibility of the Secretary of State for India to select a proper person to fill the office.

MR. WHITE thought it better not to insert either five or ten years' standing, but to leave it to the discretion of the Government to appoint the fittest person.

SIR EDWARD COLEBROOKE concurred in that suggestion. The legal Member of the Council would have peculiar duties to perform, and a practising barrister would not be better qualified than a person whose studies had been in a direction to fit him for the office.

MR. DISRAELI was of opinion that, after all, the best security for the appointment of a person duly qualified for the performance of his duties, under the circumstances of the case, was to be found in the confidence which was to be reposed in the Government for the time being. It was easy to conceive that a man might be found young in years and standing, but very wise in experience, whom it might be desirable to send to India under the operation of the clause under discussion; and the Government, he contended, would be sufficiently controlled in the exercise of their power in making those appointments by the force of public opinion, as expressed in that House. For his own part, he should strongly advise the Government to avoid any definition of time in the clause, and simply confine its wording to the profession to which the proposed Member of the Council should belong.

MR. DANBY SEYMOUR said, that the principle of limitation was followed in the case of the Civil Service, and he did not see why an exception to that rule should be made in the present instance. Either the Government ought to be left unfettered altogether, or the provisions of the Bill should be consistent with one another. In restricting the choice of the Government, the only object was to secure that the appointments should be given to the man best legally qualified to fill it, instead of to some mere follower of the Government whom it was desired to provide for. He would support the Amendment.

MR. LAYARD said, if no test of the kind was necessary with regard to legal acquirements, why the restriction of ten years in the case of the civil element of the Council?

MR. MALINS said, the insertion of a five years' standing was intended to secure that the appointee should be possessed of something like legal qualifications. Experience, in such cases as that under consideration, was of as much value as ability; and he thought an experience of ten years was not too much to call for; and, therefore, he should vote for the Amendment, or even for some intermediate period, rather than for the five years, as inserted in the clause.

Sir GEORGE LEWIS thought that a certain amount of fallacy lurked in the word "experience." Suppose, for instance, a barrister happened to have had an experience of five years at Nisi Prius or the Old Bailey, could that fact, he should like to know, be fairly held to qualify him for the position of a Member of the Legislative Council? It was quite clear that for such a position experience was not the quality required—what was required was the qualifications of a jurist. In the case of the Civil Service the experience required was appropriate to the duties to be performed, and what it was desirable to have under the operation of the present clause was a gentleman of high legal attainments, which he contended might be found in a barrister of five years' standing. Indeed, according to the existing law, the Chief Justices of the three Presidencies were only required to be of five years' standing. He might further observe that if the Government were disposed to make an improper appointment, they would have means of doing so by the selection of a barrister who had been ten as well as of one who had been only five years at the Bar. Indeed, it was probable that a larger number of incompetent persons would be found in the former class, which would in all probability comprise a greater number of men who had failed in their profession.

Mr. VINCENT SCULLY maintained that the person appointed under the clause should be not only a barrister but a barrister of ten years' standing. If the Government were left unfettered in the matter, it was, he thought, quite possible that the Minister for India might discover more intelligence in a nephew or other relative than in all the rest of Her Majesty's subjects.

Mr. LOCKE said, it appeared to him that the choice of the Government was sufficiently fettered by requiring a qualification of five years' standing. All that was wanted was to prove that a man was *bonâ fide* a barrister, and a qualification of five years would establish that as readily as one of ten years.

Amendment *agreed to.*

Mr. Malins

Question put, "That the word 'five' stand part of the said proposed Amendment.

The House *divided:*—Ayes 132; Noes 73: Majority 59.

Question, "That the words 'one of whom shall be a Barrister or a Member of the Faculty of Advocates in Scotland of not less than five years' standing' be inserted after the word 'two,' in page 2, line 37," put, and *agreed to.*

Clause 19 (Governor General to make Rules for Conduct of Business at such Meetings),

Sir CHARLES WOOD proposed after the word "meetings" to leave out "and from time to time to alter such rules" and insert "but such rules may be subsequently amended at meetings for the purpose of making laws and regulations, subject to the assent of the Governor General." The object of the alteration was, he said, to place the Council of the Governor General in exactly the same position as the Councils of the Presidencies, in regard to the framing of regulations.

Mr. J. B. SMITH thought that the Council should have the power of making their own laws and regulations in the first instance, subject to the approval of the Governor General.

Mr. DANBY SEYMOUR wished to know whether, under the Amendment, the Council would be able to discuss a Motion to ask the Governor General to amend the rules?

Sir CHARLES WOOD: Certainly.

Colonel SYKES understood that the Governor General was to have the right of *veto* in regard to the regulations framed by the Council.

Amendment *agreed to;* other Amendments made.

Bill to be read 3° *To-morrow.*

EAST INDIA (CIVIL SERVICE) BILL.

COMMITTEE.

Order for Committee read,

Mr. H. BAILLIE said, the main object of the Bill was to destroy the exclusive privileges hitherto enjoyed by the Covenanted Civil Servants of India. What was the object of Parliament originally in constituting the covenanted service? It was twofold—first to secure a body of well-educated and efficient public servants in India; and secondly to prevent the patronage of India from falling into the hands of the Crown. There was no doubt that it was admitted by Parliament in former days to be of essential importance to prevent this patronage from falling into the hands of the Crown, because it was supposed that it might lead to political jobbing and Parliamentary corruption. He did not know whether they were less liable to those vices in these days, but there had been a great change in the opinion of Parliament upon this subject, and the great object of Government and Parliament at this day seemed to be to grasp at all the patronage of India, and take the whole of it into the hands of the Crown. Last year a Bill was passed for the purpose of amalgamating the Royal and the Indian armies. In a military point of view that might be a necessary measure, but the result had been that the whole patronage of the Indian army had been placed in the hands of the Crown. He did not mean to say that that patronage was likely to be abused as long as a Royal Prince who was not a political partizan, and who had no object to gain by political jobbing, was at the head of the army: but as regarded the navy, the patronage in that service had been prostituted for political purposes for many years past. If any person entertained any doubt upon the matter, he had only to take up the Navy List, and he would find that nine-tenths of the Admirals, post-captains, and commanders, were members or connections of the great families. ["Oh, oh!"] He ventured to say that was the case. He did not attach blame to any Government, but to the system that prevailed. How would this apply to the present Bill as regarded the Civil Service? When the two Services were originally established by Parliament in India the patronage of the covenanted Service was given to the Court of Directors, and that of the uncovenanted Service to the Governor General, because it was understood that it was to be confined to the Natives of India. But a succession of Governor Generals had in process of time, appropriated the best places in that service to Europeans. The mode in which that was done was that young men were sent out from this country to India, with recommendations to officers in high positions in India or to the Governor General himself, and they were at once appointed into the uncovenanted Service. This Bill proposed to give to the Governor General the power of transferring these young men to the covenanted Service. Now Parliament, in deciding a few years ago that the covenanted Service should be filled only by persons passing a competitive examination in this country, had given those appointments to the public. But if this Bill passed, the effect would be to deprive the young men in this country of the positions which they would have been entitled to, and for which for many years, perhaps, they might been devoting themselves to study in order to qualify themselves. He knew of no mode by which such an abuse could be prevented, unless by introducing a clause to confine the uncovenanted Service to the Natives of India. If such a clause as that were introduced he should offer no further opposition to the Bill.

MR. ASTELL said, that when the Secretary of State for India introduced these Bills he understood him to state that they had the general concurrence of the Council of India. He believed that that statement was not entirely correct, and he challenged the right hon. Baronet to state honestly and conscientiously whether he believed that, if the Members of the Council of India had an opportunity of recording their opinions upon the Bill now before the House, those observations would be borne out by them. Last year the right hon. Baronet proposed to his Council to bring into Parliament a Bill very similar to this one, but so far from the Council being favourable to the measure it was opposed by the majority of the Council, and was not introduced. Several members of the Indian Council (which it should be remembered consisted of only fifteen members altogether) expressed their dissent from the Bill; among others, Sir John Lawrence, whose name was a tower of strength on Indian affairs. Colonel Durand's dissent was, perhaps, the strongest of all; for he stated that he was only allowed about five minutes to look at the Bill: and the right hon. Gentleman treated the House in much the same way. Instead of having considerable difficulty in getting these minutes of the Council of India, it ought to be a Standing Order that whenever dissents were expressed they should be laid on the Table with the Bill, in order that the House might have an opportunity of giving its decision with all the facts before it. Was the right hon. Gentleman ashamed of consulting the able men who sat at his Council? In the first instance there was a majority against the Bill, no less than eight Members of the Council having opposed it; subsequently some of the Members became reconciled to the measure, though it was in nearly all respects the same. He warned the House against passing this Bill, which he believed to be fraught with injury to the country.

COLONEL SYKES said, the Judges and collectors who were appointed in India to the control of districts larger than German principalities had all passed through a course of elaborate instruction in the college of Haileybury. During the last thirty or forty years men of very eminent abilities had been produced under that system, the tests to which they were subjected being of a very severe character. But under this Bill he could not perceive any guarantee that the persons to be appointed would continue to be men of equal acquirements, or even to possess a liberal education. The second clause empowered the Governor General to appoint any one who had merely been seven years in India and could pass an examination in the languages. But a residence of seven years, and a knowledge of the languages, did not constitute the qualifications that would enable a man to perform the functions of a Judge and collector; the first must have a good hnowledge of Hindoo and Mahommedan law, and the second have a practical knowledge of revenue systems, and both must be well read in the acts and regulations of the Government. It was true that the appointment was subject to the approval of the Home Government; but when was it likely that the Home Council would reverse a selection made by the Governor General? The Bill also affected the rights of a class of qualified Natives of India, who for twenty-five years had administered the civil law. The principal Sudder Ameens, the Sudder Ameens, and the Moonsiffs, underwent a rigid examination before they were appointed to their respective offices, and he (Colonel Sykes) could state from digests which he had published from official Returns of the administration of civil justice for twelve successive years in the three governments of India that these functionaries had decided 97 to 99 per cent out of every 100 cases with few appeals. Of the first class there were 64, of the second 81, and of the third—corresponding to the Judges of our small-cause courts—there were 493. These were Native gentlemen who had qualified themselves to administer the civil law in India, and their decisions gave universal satisfaction. What he feared was that the places of these men would be sought by English barristers of five years' standing, who would be glad to take them with the prospect of being afterwards promoted to judgeships. His right hon. Friend must be aware that the substitutions of English barristers for Native Judges must be at an enormously increased cost. He trusted that the right hon. Gentleman would take steps to provide that whoever was appointed should be subjected to the same intellectual and practical tests which had hitherto been adopted. The Indian Government had the merit of precedence over the English Government in having been the first to establish county courts, also to impose a test of the capabilities of pleaders, and in fixing the *maximum* cost of suits.

SIR HENRY WILLOUGHBY said, that one point in regard to this Bill seemed to have been overlooked. When Parliament took upon itself the government of India, it declared that all the contracts and liabilities entered into by the East India Company should be binding on the Crown. Now, it was a matter of great doubt among the Civil Servants of the late East India Company how far this Bill, if it became law, would affect them in respect to their Civil Service fund and their Annuity fund. These funds were maintained half by support from the State, and half by a per centage from the salaries. It was clear that if the number of covenanted Civil Servants was limited a blow was struck at the very root of these funds. He, therefore, wished to have from the right hon. Gentleman (Sir Charles Wood) a clear statement of how he proposed to treat this question? Parliament was pledged to support the funds, and it ought to take care that neither the servants nor their wives and families suffered from the passing of the Bill.

MR. ADAM said, that the more he considered the subject the more he deprecated the course which Parliament was pursuing in regard to legislation for India. He thought it a great misfortune that the direct government of our Eastern Empire had been transferred to the Crown; and also that Parliament should have excluded from its benches Members of the Council. It seemed to him that in doing so it had, as it were, knocked out its own brains as regarded Indian legislation. But if it was not to have the assistance of gentlemen in this country—of gentlemen who had experience in Indian legislation and Indian affairs—it appeared to him most important that the House should be supplied with all the information that could be furnished it, and amongst these he considered the dissents of the Council held an important place. The right hon. Gentleman had quoted a very valuable saying of Mountstuart Elphinstone, namely, that legislation for India should be slow, gradual, and well considered. But would any hon. Gentleman say that those epithets could be applied to the Bill before the House?

SIR MINTO FARQUHAR submitted that hon. Members had not yet had time to read the papers which had been distributed to them, and the attentive perusal of which was necessary before they proceeded to the details of this Bill. The right hon. Gentleman might tell them that they had notice of the measure last Session; but the House would remember that several eminent authorities had expressed their dissent to the Bill of last year. It was now stated that Colonel Durand and Mr. Mills had modified their dissent in favour of this Bill; but had Mr. M'Naghten, Mr. Mangles, Sir John Lawrence, and Sir Henry Montgomery done so? If that had been the case the fact would certainly have been stated. He asked whether it was right that so little weight should be given to the opinion of Members in Council for India? He had said on a previous occasion, and the more he considered the subject the more he felt that unless important Amendments were made in this Bill great reluctance would be shown on the part of candidates to enter into competition for the Indian Civil Service, and such was evidently the view of those members of Council, whose disputes to the Bill, of which the right hon. Gentleman had given notice last year, were now before the House. A deputation had lately waited on the right hon. Gentleman (Sir Charles Wood), when, he was told, an address was made by Mr. Anderson, one of the Civil Servants, in which the claims of the Civil Service were set forth with an ability and a moderation which excited the highest praise on the part of all who heard him. The right hon. Gentleman himself was struck with the manner in which he laid the claims of the Civil Service before him; but, nevertheless, the Amendments which it was proposed to introduce into the Bill were not such as those claims required.

SIR HARRY VERNEY said, the right hon. Gentleman had stated that there was not a sufficient number of competitors for the Civil Service; but the Returns showed that in 1857, when there were 12 places to dispose of, there were 60 competitors; in 1858, with 20 places, there were 62 competitors; in 1859, with 40 places, there were 119 competitors; and 1860, with 80 places, there were 154 competitors. If the Government had offered more places there would undoubtedly have been more competitors; but they had offered few places and then said the number of candidates were so few that the Civil Service must be thrown open. He believed that a Bill more precipitately introduced and more in opposition to the opinions of those who were best qualified to give an opinion upon it never had been introduced into Parliament. All the wisest and most judicious persons acquainted with India were against the opening of the Civil Service in the way proposed. Any calamity that in future might fall upon India through the operation of this Bill would be attributable to the right hon. Gentleman. It appeared from the *Friend of India* that already two gentlemen had been appointed to the Civil Service who were unacquainted with the Native languages. Was that a matter of slight importance? If they wished to rule India in a right manner those only should be appointed who knew something of the language, habits, and even prejudices of the people.

MR. W. E. FORSTER said, that in order to a proper consideration of this important measure, all the information possessed by the Government on the subject should be laid before the House. There was no question that the "Dissents" were of the utmost importance; and the House ought to know to what points of the Bill the "Dissents" objected. It was also most desirable to ascertain whether Sir John Lawrence was or was not favourable to this measure.

SIR JAMES FERGUSSON thought, as there was no Amendment before the House, it might be presumed that the principle of the Bill was approved, provided such restrictions were introduced as would prevent the abuse of the new system. The right hon. Gentleman admitted that very stringent restrictions were necessary; but the House ought to be in possession of the opinion of the Council of India on the subject before it could decide what these restrictions ought to be. When the Council was originally established it was clearly intended that the Members should have the power of placing their opinions on record, and it never was contemplated that such petty forms should be established as would prevent them expressing their opinions. The papers which had been laid before the House referred to the Bill of last year. He had placed on the table a short time ago a Motion for an Address for copies of any minutes of dissent by the Indian Council on this Bill; but the Secretary of State had informed him that there were no such papers. He should like to know from the right hon. Gentleman whether that was the case now? He warned the House not to allow it to be established as a practice that the House should not be put in possession of the opinion of the Members of the Council, or that those opinions should not be placed on record and produced for some small technical reason which had never been contemplated when the Council was established. If such knowledge was kept back, the House was not in possession of all the information it ought to have, and which might materially influence its decision.

Mr. AYRTON wished to call the attention of the House to the view which had been taken by the hon. Baronet who had just spoken. He did not think that view at all to the advantage of the Council. Nothing would so soon conduce to the entire dissolution of the Council as to impress them with the idea that they were constituted for the purpose of supervising the relations between the Secretary of State and the House of Commons. The object for which the Council was established was that it should intervene between the Secretary of State and the Government of India. Every one felt that it would not be wise to allow a Secretary of State to send out despatches to the Government of India without the intervention of some independent body, and the Council was established as a check upon any ill-advised or indiscreet proceeding of the Secretary of State. It was perfectly clear, in a constitutional point of view, that the Secretary of State, when he desired to invite the House of Commons to legislate, had nothing to do with the Council. He might ask their opinion, just as he might ask anybody else's, and he might, if he liked, lay it on the table; but it would only be the opinion of so many individuals. Legislation was not one of the functions vested in the Council by law; and to encourage an impression in the Council that they were to intervene in the conduct of business in Parliament, having been specifically excluded from the House of Commons, would be to lead to their certain dissolution. The Chancellor of the Exchequer was in the habit of frequently consulting the Board of Inland Revenue, but if that Board took to minuting the acts of the Chancellor of the Exchequer they would very soon have to be dismissed. If the House of Commons felt itself incompetent to go on with this Bill and wished to have the opinion of the Council upon it, the Parliamentary way of obtaining it was to refer the Bill to a Select Committee, and then call the members of the Council before it as witnesses. But the fact was the House did not want to know what their opinion was, because it did not intend to shift to its own shoulders the responsibility of the Minister of the Crown. It was utterly in vain to attempt to induce the House to undertake the detailed arrangement of the Civil Service in India. It relied on the Minister to do that, and on him the responsibility would ultimately rest. At the same time it was of the utmost importance to inspire the Civil Servants in India with confidence in Her Majesty's Government—they ought to feel that when abroad they were supervised and protected by the Home Government. He hoped, therefore, that the House would go into Committee, and that such modifications would be made in the Bill as would dispel the alarm which had been raised.

Sir EDWARD COLEBROOKE, in reference to the Minutes of the Council of India, said that he had a perfect recollection of what took place when the matter was formerly discussed, and he understood they were to be laid before the House if required. It appeared that important papers connected with the Bill were not laid before the Council for them to deliberate upon, and, therefore, it was the more necessary that the House should be fully informed of all that had taken place in the Council; and if the House felt a real sense of the importance of this subject they would insist upon the production of these papers before they proceeded further. He confessed he felt great alarm at the haste with which the House was asked to make vital changes in the administration of India.

Mr. DANBY SEYMOUR said, he could not agree with his hon. Friend (Mr. Ayrton) in his theory of the duties of the Council, which was established, in his opinion, not only generally to advise the Secretary of State on all matters relating to the good government of India, but particularly in regard to Bills like the present, which most materially related to the administration of affairs in that country. It was the duty of the Council to give their opinion on these matters, and that opinion ought to be laid before the House. No doubt, Parliament had a right to call for the Minutes made by the Council, and then, if anything important and requiring further explanation should appear in those Minutes, the House had a right to call the Members of the Council before a Select Committee. If the Members of the Council had changed their opinion, why was not a short memorandum signed by them, stating that they no longer entertained the same objections as heretofore to the Bill? No doubt, there was a majority in favour of the Bill as it now stood; but he thought the right hon. Gentleman would have better consulted the interests of Indian legislation if he had laid the "Dissents" before the House. It was assumed that this Bill was brought in solely on the responsibility of the right hon. Gentleman (Sir Charles Wood); but the measure had been in the contemplation of the Government for many years past. He regretted that the Secretary of State had not fortified himself with the opinions of Lord Dalhousie and Lord Canning, of Mr. Halliday, and Sir George Clerk, all of whom recognized the necessity for this Bill. It was for the interest of India that the Civil Servants should be kept at the lowest number possible. He agreed with the hon. Baronet (Sir Henry Willoughby) that when any alteration was about to be made in the position of the Civil Servants they had a right to ask the Government what was to be their position in future. He thought that when an alteration of this sort was made the Civil Servants had a just right to ask the Secretary of State in what position they would be placed if certain contingencies happened which might happen under this Bill. The right hon. Gentleman ought to go further. The funds were now in a flourishing position, and it would be better for the Government at once to make some arrangement respecting them. If a large number of persons now came into the service this fund must necessarily deteriorate, and the Civil Servants, on the other hand, would have acted wisely in offering to give up some of the extra interest at present paid on account of the fund, on condition that the Government gave them some security in the event of their suffering injury from the provisions of the Bill.

Mr. KINNAIRD said, he wished to draw the attention of the right hon. Baronet the Secretary of State to the subject of the duties of the Council. He believed that the House was induced to decide that the Members of the Indian Council should not have seats in the House of Commons upon the understanding that they were to have full information given as to the subject matters discussed by the Council. The Council were to minute their opinions, and he distinctly understood that hon. Members would have a right to move for all the Minutes, in order that the House might be fully informed of the merits of every case discussed. He believed, however, that there were many Minutes on the subject of this Bill which had not been produced, and it was treating the House unfairly to keep them back. He was not surprised at the apprehensions entertained by the Civil Servants; but he did not share in those apprehensions, for their own ability and knowledge would secure them against injustice. He thought, however, that the right hon. Baronet ought to give some assurance on the subject.

Sir CHARLES WOOD was in hopes that when the House had agreed, without a division, to the principle of the Bill, they would have been spared discussion on this stage, especially as many topics had been touched on which were not very relevant to the subject matter of the measure. It was satisfactory, at all events, to find that the Bill had been treated throughout in no party spirit. It was the intention of the noble Lord who preceded him in office (Lord Stanley) to have introduced a similar measure, and the noble Lord had stated in the fairest manner that he felt as much responsible for it as he (Sir Charles Wood) was, and would give it the most cordial support. There could be no better proof of the absence of all party spirit. With regard to the Council of India, he thought the question which had been raised respecting the functions of that body had been settled last Session. The Council were to be the advisers, and in some cases a check, upon the Secretary of State in his executive capacity. But the Secretary of State was not bound to be guided by their opinions, or even to take their advice, in his legislative capacity. The Secretary of State for India was as unfettered and as free as the President of the Board of Control had ever been. The President of the Board of Control introduced Bills at his discretion, consulting the Board of Directors only when he chose to do so; and it was certainly never the intention of the Legislature to impose upon the Secretary of State fetters which were not imposed upon the President of the Board of Control. This question was raised when the amalgamation of the two armies was discussed. He then stated in the clearest terms this doctrine respecting the functions of the Indian Council; and the right hon. Gentleman opposite (Mr. Disraeli) entirely concurred in his views on this point. The words of the Act itself were conclusive, and clearly established that what he, as a Member of the Government, might do in introducing a Bill was not a question for the decision of the Council of India. As to the opinions of the Council on this Bill he had stated before that he introduced it with the general concurrence of the members of the Council. It was not true that it had been framed with the object of benefiting a member of the Council, but after the Bill had been agreed upon a case arose unexpectedly, which showed the great advantage to be derived from its provisions, which would authorize the appointment to a most important office of a man who was a member of the Council, but who, above all others, was the most fitted for it. The Minutes referred to by the hon. Member for Bradford (Mr. Forster) were recorded against the Bill of last year, and some of the Members of the Council objected to their being produced against the Bill of this year; but they did not object to the production of them with the memoranda appended to them as they appeared on the paper. He had been asked why he had not fortified himself with regard to this measure by the opinions of men of authority on Indian questions. His reply was that he had done so, and had on a former occasion referred to the recorded opinions of such men as Lord Auckland, Lord Hardinge, Lord Elphinstone, Lord Dalhousie, and Lord Canning. The fact was this—the persons who were in authority in India, and had the responsibility of making appointments, felt the necessity of some such provisions as those of this Bill being enacted, that they might find proper persons to fill those offices, or, to use a common phrase, to put the right man in the right place. It was, therefore, not without the authority of the Civil Service itself that he had introduced a Bill of this kind. With reference to the funds of the Civil Service of India, he had received some representations from it. A deputation of the Civil Service had waited on him, and stated the case very fairly. But they felt themselves that it would be impossible to include in this Bill any provision that would ensure the object they sought; but they wished him to state distinctly in the House what his opinion was on the subject. This he had not the least reluctance to do. His opinion was that they were not likely to be injured by any possible application of the provisions of the Bill, the object of which was, as he had before stated, to provide for special and exceptional cases. He could not, however, deny that there was a possibility, very slight though it was, of their being injured in their funds by the provisions of the Bill; but he had expressed to them the opinion which he had promised to repeat in the House, that if it should turn out that the existing members of the Civil Service were injured in respect of their funds, either for themselves or their families, by any use or abuse of the powers conferred by the Bill, they would have a fair right to claim compensation. This, they said, was all they could fairly ask, and they would be perfectly satisfied if he clearly stated this in the House. He had not the slightest objection to give them the full benefit of the statement. If the existing members of the Civil Service could show that they sustained any injury from the use or abuse of the powers of this Bill they would have a fair right to be indemnified for any loss.

Mr. VANSITTART said, the members of the Civil Service now in London were not satisfied with this Bill; on the contrary, they objected to it, with or without restrictions. They thought it altogether unnecessary; and felt that it could have but one result—that it would gradually sap and destroy the noble Service to which they belonged. The time for the consideration of the Bill was very short; and the members of the Civil Service had not had any communication with their colleagues in India. It was never supposed that such a Bill would be brought in this Session. In March last there was no intention of doing so; but it had been brought forward in an extraordinary manner. Up to last night it stood as the third of the Indian Bills on the paper; and, the present discussion not being expected to come on till a late hour that evening, several hon. Members who were prepared to discuss it were not then present. For the satisfaction of the Civil Service they had only the right hon. Gentleman's *ipse dixit*—no doubt a just one; but they could not tell how long he would be in office, and they would like something equivalent to the statement to be inserted in the measure.

House in Committee.

(In the Committee.)

Clause 1 (Certain Appointments not in accordance with the Provisions of 33 *Geo.* III., c. 52, s. 57, and like Appointments hereafter to the same Offices to be valid),

MR. VANSITTART rose to move, as an Amendment, the omission of the word "heretofore," in line 11, and the insertion, after "made," of the words "before the commencement of the present Session." In moving the insertion of those words he begged to draw attention to the wording of this clause. It was notorious that within the last six months the Indian Government, under a strong pressure brought to bear upon it by the press of Calcutta, had gone much further in appointing persons out of the service to high civil offices than they had heretofore done. He referred, more especially, to the creation of a number of Small Cause Courts in the Mofussil, and to the appointment to them of barristers on high salaries. These barristers were gentlemen who had only been resident for a year or two in the country, and were wholly ignorant of the languages—in fact, so ignorant as to require the aid of interpreters; yet under the wording of Clause 1 these appointments would be made effectual and valid. Now, he contended that the restrictions which would be applied to appointments in Clause 2 should also be made applicable to these appointments, or else they would have a number of offices filled in a manner contrary to the deliberate opinion of this House as expressed in Clause 2. Probably few subjects were more investigated and inquired into by the Colonization Committee, on which he had the honour to serve, than that of these Small Cause Courts. By the evidence of one set of witnesses, consisting of lawyers, barristers, and pleaders practising at the Sudder Courts of the different Presidency towns, it appeared that the one thing needed for the general improvement of India was "more lawyers." On the other hand, it was strongly contended by witnesses who possessed great practical knowledge of the habits and customs of the Natives and the country—namely, planters, merchants, civilians, and military men holding high civil and political appointments—that if there was one thing more calculated to add to the unpopularity of our Government it would be the introduction of English law to be administered in the English language by English barristers in the Mofussil courts. They pointed out the great hardship that would be inflicted on the Natives, plaintiffs, defendants, vakeels, and spectators, were the proceedings to be carried on in English, as they understood merely their own language; and that it would most assuredly be regarded by the Natives throughout India as an act of the grossest injustice, and, to make use of an expression of Mr. Hawkins, one of the witnesses examined before the Committee, "as a badge of conquest," designed to degrade them. He could remember when it was deemed expedient to abolish the Persian language in those courts, in order to introduce the vernacular languages—that is, Hindustani and Bengali. He would read one or two extracts from answers of witnesses who appeared before the Committee. Mr. Mackenzie, an indigo planter, in regard to the course of legislation which was being pursued, said—

> "Since the time of Macaulay's Commission we have had a wholesale manufactory of laws in India. The laws we have introduced one year we have repeated the next. We had the Legislative Council making laws; we had the Sudder Court of Calcutta giving the construction of the law; and in many cases the terms of the law and the construction were quite opposed. I think that the great mistake we make in legislating for India is that we legislate for the people of India after our ideas and the habits and customs of this country, quite forgetting that they are entirely inapplicable to those of the Natives."

Mr. Marshman said—

> "The Natives have shown a strong repugnance to any idea of extending the jurisdiction of the Supreme Court."

Lord Macaulay also expressed a strong opinion of the dread among the Natives of the jurisdiction of the Supreme Court, and he spoke from documents and petitions that were presented to the Council. He would not, however, abuse the indulgence of the Committee by quoting any more of the evidence to this effect. It was enough to say that it was generally admitted by the Committee that, although these Small Cause Courts might be popular at Calcutta, yet the feeling was the very reverse as regarded their jurisdiction being extended to the Mofussil. The causes which were decided in Calcutta were generally simple contracts, or questions of sale, or any minor criminal actions, but they were quite different from the complicated cases which occurred in the Mofussil courts with reference to the proprietorship of land, the division of property, the land assessment, the settlement of boundary disputes and resumption laws. Again, it would be impossible to procure the necessary number of experienced barristers at Calcutta; and he could not believe that a young man, practising at the Bar in England and earning £500 a year, would be induced to relinquish that for a life of expatriation in a remote station in Bengal, far away from the civilized world, on a salary of £1,200 or £1,500 a year. It would, therefore, give rise to immense political power and patronage, because the Secretary of State for India would be enabled to oblige an avowed or shaky supporter of the Government of the day by providing any one to whom he was indebted for services rendered at his election with one of these appointments. India would, therefore, be flooded with briefless lawyers, and electioneering agents. A great injustice would, at the same time, be inflicted upon that useful and laborious class of public servants known as Moonsiffs, Sudder Ameens, and Principal Sudder Ameens, who are either Natives or East Indians, as they were being gradually superseded and absorbed by the Small Cause Courts.

Amendment moved to omit the word "heretofore," and to insert after the word "made" the words "before the commencement of the present Session."

COLONEL SYKES said, as it appeared that these Small Cause Courts had been established within the last year, and as there was no security that the persons who had been appointed had any knowledge of Mahommedan or Hindoo law, by which civil causes were determined, he objected to the clause confirming the appointments unless the parties were made subject to examination. And no future appointments should be made without an examination testifying the capacity of the candidates for the duties which would be required of them.

SIR EDWARD COLEBROOKE wished to know whether the object of the clause was to make what had been done the rule for the future? If so, he should object to the clause, though he was not unwilling to give the Government a Bill of indemnity for what had hitherto been done.

SIR CHARLES WOOD said, the first and second clauses should be kept entirely separate, as they had nothing in the world to do with each other. The other night he stated that up to the present time certain appointments had been made in India with the common consent of everybody in India, not excepting the most rigid sticklers for the rights of the covenanted Service. The noble Lord his predecessor in the office of Secretary for India took the opinion of the then law officers on the subject of these appointments, and, according to that opinion, they were illegal. To remedy this state of things the first part of the first clause rendered all such appointments as had been made legal; and by the second part of the clause similar appointments would be made legal for the future. The second clause had a different object, and enabled the authorities in India, with the consent of the Secretary of State in Council, to appoint in special cases to situations hitherto exclusively reserved for the covenanted Service.

SIR MINTO FARQUHAR thought it right to confirm the past appointments; but it became important to know from what date the appointments were to be confirmed.

SIR CHARLES WOOD said, he should not object to meet the hon. Member for Windsor (Mr. Vansittart) half-way, and should assent to the insertion of the words "before the 1st of April last," after the word "made," the word "heretofore" being omitted.

Amendment *withdrawn.*

Clause amended, in accordance with Sir Charles Wood's suggestion, and *agreed to.*

SIR EDWARD COLEBROOKE objected to the clause on the ground that it would empower the Governor General to appoint military men to perform civil duties, not only in the non-regulation, but also in the regulation Provinces. He could understand the existence of such a power in the old Court of Directors; but they were now engaged in providing statutory powers for the Governor General; and they ought to understand clearly what these powers were, or else consent at once to give the Governor General *carte blanche.* It appeared to him that under the clause the Governor General might appoint a military man to be a Judge in the Sudder Ameen.

MR. LONGFIELD also maintained that the latter portion of the clause went far beyond the exigencies of the case which it had been framed to meet. He could not see, for example, why, because an indemnity was granted for appointments illegally made in the past, a power should be granted, as was proposed by the latter portion of the clause, to make "similar appointments" for the future. He should, under these circumstances, suggest the omission of the latter portion of the clause.

SIR CHARLES WOOD said, it was necessary to use the word "similar," inasmuch as if the word "same" only were employed the clause would not apply to the different appointments of the same character.

MR. LONGFIELD, notwithstanding the high authority of the right hon. Baronet, must maintain that the use of the word "same" would be much safer than that of the word "similar."

SIR HARRY VERNEY saw no necessity for the first clause at all. Nobody objected to or questioned the appointments to which it referred.

SIR CHARLES WOOD said, that the law officers of the Crown had suggested the clause as requisite to render legal appointments which everybody approved.

MR. VANSITTART wished to move the omission of the words "or similar" in the latter part of the clause providing that appointments to "the same or similar offices, places, and employments" to those hitherto filled by uncovenanted servants, contrary to the 33rd of George III., and which were now to be legalized, might hereafter be filled in like manner. Unless his Amendment were adopted, every appointment would come within the scope of such general words as "or similar." Colonel Durand's appointment as Foreign Secretary, and the whole of the *secrétariate* appointments, would be thrown open by the terms of the clause. He, therefore, moved the omission of these words, in order that there might be no mistake as to the appointments intended for outsiders, and those which were to remain for the Civil Service.

Amendment proposed, in page 1, line 20, to leave out the words "or similar."

SIR CHARLES WOOD said, the hon. Member for Windsor mistook the meaning of this clause. Colonel Durand would be appointed under the next clause to a place reserved for the covenanted Service. The words "or similar" would have this effect:—Take the case of a Sudder Ameen. Nobody objected to a Native or an uncovenanted servant being appointed to such an office; but unless these words were retained it would be impossible to appoint such persons to such situations, except in the identical situations which they had held before.

MR. AYRTON said, that a Sudder Ameen had never been a covenanted civil servant. Certain defined appointments had hitherto been assumed to belong to the covenanted Civil Service; and the system had grown up in this manner. From time to time the old Court of Directors sent out despatches to define what appointments should belong to their civil servants, and those offices had consequently been regarded as employments restricted to that particular Service. But all other appointments had been deemed open appointments, to be held by Natives, military men, or anybody whom the Governor General, or the Governors of Presidencies might select. By omitting the words no injustice or inconvenience would be done to any one, whereas the retention of them would practically be putting an end to the Civil Service.

MR. FINLAY said, he had been in India several years, unconnected with the Government, and could, therefore, form an independent opinion. His experience was that the Civil Service, though a very efficient body of men, were not sufficiently numerous to carry on the duties devolved upon them; it was, therefore, found necessary to appoint officers from regiments to perform those duties, and the object of this Bill was to facilitate such appointments, which were found to be conducive to the good government of India. He thought the omission of the words would place an inconvenient restriction on the Government.

MR. LONGFIELD thought the words so flexible as to include all appointments, and offered no safeguard whatever to the Civil Service.

MR. PULLER objected to the word "similar" as wide and loose, and was not prepared to place the interests of the Civil Servants of India in jeopardy by the introduction of such words. If it was found that an uncovenanted Civil Servant had ever filled the office of Judge, magistrate, or collector, the word "similar" in the clause would permit of such appointments being made in any or all the provinces of India.

MR. AYRTON suggested words to the effect that where a class of offices had heretofore been filled by uncovenanted servants then the same class of offices might be filled hereafter in a like manner.

SIR CHARLES WOOD said, he had proposed to make the clause apply to the same class of offices to which uncovenanted servants had been before appointed. He could only say the words of the clause had been most carefully considered, and he believed those which were in the Bill were the best that could be found. All that was wanted was to continue the power of making appointments, which up to the present time no one had questioned but the law officers of the Crown.

Mr. DANBY SEYMOUR thought that if it was intended to do away with the Civil Service of India it should be done openly, and not by a side-wind. The clauses were most imperfectly drawn, and he would suggest that the Bill should be submitted to some able lawyer to put into practical shape.

Sir CHARLES WOOD said, an English and an Indian lawyer had been consulted in the preparation of the clause.

Question put, "That those words stand part of the Clause."

The Committee *divided*:—Ayes 46; Noes 31: Majority 15.

Clause 2 (Granting power to make like appointments to other offices, the special circumstances being reported in each case to the Secretary of State),

Mr. AYRTON proposed to leave out "under the special circumstances of the case," and to substitute "as a special and exceptional case."

Sir CHARLES WOOD thought the alteration unnecessary.

Amendment *negatived.*

Sir CHARLES WOOD proposed to insert the following words:—

> "Except in the departments of Finance and Customs in the Presidency towns, no person shall be so appointed who has not resided for a period of at least seven years in India, and shall not have passed an examination in the vernacular language of the district in which he is to be employed."

Mr. VANSITTART thought that an examination in more than one of the Indian languages should be required.

Colonel SYKES also thought that every candidate should be required to pass an examination in Hindustani as well as in the vernacular of the district.

Amendment *agreed to.*

Mr. ADAM moved to add the following words to the Amendment proposed by the Secretary for India, "and in all other local departmental tests which are now or may hereafter be prescribed for covenanted Civil Servants in a like case." He proposed the Amendment, he said, as an act of justice to the covenanted Servants and as an act of security to the public. Any ensign in a marching regiment or any idle young man about town might go out to India, and by reading half an hour a day with a Moonshee might in a few months qualify himself to pass an examination in the Native language, and such an examination was, therefore, no test of his fitness for appointment. On the other hand, the covenanted servants had to pass two very severe examinations, involving not only a knowledge of the languages, but also a knowledge of the duties of the collectorate, of the mode of keeping village accounts, and of revenue and judicial matters generally. It would be manifestly unfair to allow a non-covenanted person to be appointed without examination over the heads of covenanted servants, who had been so severely tested. It was a mere act of justice to the latter that non-covenanted candidates should be subjected to the same tests which they had to undergo.

Amendment proposed, after the word "employed," at the end of the last Amendment, to insert the words "and in all other local departmental tests which are now, or may hereafter be, prescribed for covenanted Civil Servants in a like case"

Sir CHARLES WOOD said, he could not be expected to defend the two provisions which in deference to the wish of the House he had agreed to insert in the Bill, although he believed it would be better without them. He admitted that a residence of seven years in India and a knowledge of Hindustani and other languages were not of themselves sufficient tests of fitness for office, and believed that these requirements might interfere with the appointment of very competent persons to certain posts. It was absurd to insist on a knowledge of Hindustani from a non-covenanted person appointed to a situation in the Madras Presidency, where no one spoke that language. It was necessary for a civil servant, who was liable to be sent from one part of the country to another, to possess a much more general knowledge than a man who filled a special office for which he was peculiarly qualified, and it was unreasonable to demand the same qualification from the one as from the other. The Committee must not, however, run away with the notion that because certain qualifications were not specified in the Bill they would not be required. There were many tests imposed on civil servants at present of which no mention was made in any Act of Parliament, and the Government would still have it in their power to require any qualification they deemed necessary, though they were not prescribed in the Bill. The disadvantage of inserting them in the Bill was that it might exclude from office a perfectly competent person because he did not possess qualifications which were really unnecessary. He had already cancelled an appointment made by the Governor General and another made by the Lieutenant Governor of Bengal, and there was no disposition on the part of the Government to allow offices to be held by improper persons. As a general rule it would be quite right that a non-covenanted candidate should exhibit the same qualifications as a civil servant, but it was essential that the Government should have a discretion in exceptional cases. Therefore he did not think the Amendment of the hon. Member desirable.

Major WINDSOR PARKER begged to inform the right hon. Gentleman that Hindustani was understood both in the Madras and Bombay Presidencies; indeed he had travelled a great deal in India, and he never passed through any district where Hindustani was not spoken.

Colonel SYKES corroborated the hon. and gallant Member as to Hindustani being generally spoken in India. He held it necessary that the test should be enforced by Act of Parliament.

Mr. WILBRAHAM EGERTON deemed it essential that qualification for office should be proved before any appointment was made, as otherwise incompetent persons might slip into the service.

Sir MINTO FARQUHAR said, that Colonel Durand had stated that the check which was provided in this Bill would be no protection against jobbery.

Sir EDWARD COLEBROOKE hoped that the right hon. Baronet would consider this Amendment. Why should not persons who were appointed to situations in India be subjected to the same tests as those to which candidates for the covenanted Civil Service were required to submit?

Mr. PULLER thought that a residence of seven years in India and a knowledge of the language of the country was a sufficient test.

Sir HENRY WILLOUGHBY said, he did not think that all these important matters ought to be left to the regulation of the Secretary of State in Council. He wished to know whether the hon. Member for Kinross (Mr. Adam) intended that the gentlemen appointed to high offices under this clause should enter into the engagements to produce their private accounts, not to trade, and to avoid anything in the shape of bribery and corruption, which were now required of covenanted servants?

Mr. ADAM said, that those engagements would be rendered necessary by a clause which he intended to propose to follow Clause 3 of the Bill.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 51; Noes 66: Majority 15.

Sir HARRY VERNEY moved that the following words be added at the end of the clause:—"And he shall pass the same examination as that prescribed for Civil servants in like cases."

Sir CHARLES WOOD thought this question had been already decided. He might mention that, having consulted persons who were well acquainted with the part of India referred to, he found that Hindustani was not the language generally spoken in the Madras Presidency.

Major WINDSOR PARKER said, there were districts which were attached sometimes to one province and sometimes to another, and it was idle to suppose that the inhabitants did not speak Hindustani. At Nagpore and Sangur, for instance, all commissariat contracts were entered into in the Hindustani language.

Mr. J. B. SMITH thought the wording of the clause, which only required a knowledge of the vernacular was sufficient, but the member of the covenanted Service, who was obliged to possess a more extended knowledge of Indian languages, would, of course, be in a more favourable position.

Amendment *negatived.*

Clauses 2 and 3 *agreed to.*

Mr. ADAM proposed the following clause:—

> "Any person who shall have been or shall be appointed to any office, place, or employment under this Act shall be subject to the provisions of any Statute, Rule, or Order, now in force prohibiting the receipt of presents, trading, or other acts by Covenanted Civil Servants."

The object of this clause was to carry out the system first instituted by Lord Clive, since which date our Indian administration had improved and prospered, as was ably shown in the well-known essay of Lord Macaulay.

Clause *brought up,* and read 1°.

Sir CHARLES WOOD said, that his objection to the clause was that the covenanted servants were prevented accepting presents by regulations and oaths, and not by Act of Parliament. He did not see why it should be inserted in this Bill and made applicable by Acts of Parliament to one set of Servants, when it was not applicable to the other. Bribery was punished by the penal code, and no further provision was necessary.

Motion made, and Question put, "That the Clause be now read a second time."

The Committee *divided:*—Ayes 57; Noes 74: Majority 17.

On Question that the Preamble do pass,

Mr. VANSITTART asked the right hon. Baronet if he did not intend to do anything with reference to the question which they had just divided on? He really did not believe that the House knew what they had been dividing about. It was a positive fact that by this division they had legalized the taking of bribes. The right hon. Baronet had said that it was already provided for by the penal code relative to the uncovenanted Service. But this was not the uncovenanted Service, and it would be quite competent for any person sent out by the right hon. Gentleman to engage in trade, and he wished to know how, in that case, they could prevent the receipt of presents?

Sir. CHARLES WOOD said, there would be an effectual check put upon the taking of bribes when the appointments were made.

Sir EDWARD COLEBROOKE said, he thought the clause altogether unnecessary. There was no such check thought necessary with regard to the army, and he did not see why they should make a special provision in this case. When the House was asked to include a general principle against corruption, to refuse it led to an improper inference which they ought not to be exposed to.

Mr. WALPOLE said, the clause involved a general principle. The question was whether these servants were to be allowed to do what the covenanted servants were forbidden to do. Was it unreasonable that they should be precluded from receiving presents, trading, and doing other acts which the other civil servants in India were not allowed to do? Upon the former question he voted with the Government, because he thought the matter might be left to the responsible advisers of the Crown. But this clause embodied a principle, and he could not conceive how the Committee could reject it. The rejection of it by possibility implied that the new class of servants might be allowed to do these things. ["No!"] He did not suppose that the Government had such an intention; but when the Committee was asked to include in its legislation a general provision against what was and ought to be considered corruption, the negativing that proposition led to an undue and improper inference, to which Parliament ought not to be exposed. For that reason he wished to press upon the consideration of the Government whether there could be any harm whatever in allowing the clause to be introduced.

The CHAIRMAN reminded the House that the question regarding the clause had been disposed of.

Preamble *agreed to.*

On Question that the Bill as amended be reported,

Mr. ADAM stated, that the prohibition of the covenanted Servants was embodied in the 33 *Geo.* III., c. 52, and, therefore, the Clause he proposed ought to be embodied in this Bill.

Sir JAMES ELPHINSTONE warned the House that they were by this Bill putting in the small end of the wedge that would fructify to an extent which they perhaps little anticipated. They had created an enormous Service which it would be absolutely necessary to keep within strict rules and regulations, otherwise it would disgrace them in India. He hoped the hon. Member for Kinross would bring the question to which he had adverted forward upon the Report.

Mr. E. P. BOUVERIE hoped, to use the metaphor of this hon. Gentleman, that the small end of the wedge which he had put in would not fructify into a debate at this stage of the Bill. This was the first time he had heard a discussion upon a clause after it had been decided upon by the House.

House *resumed.*

Bill *reported,* as amended, to be considered on *Monday* next.

EAST INDIA (HIGH COURTS OF JUDICATURE) BILL.—COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Constitution of High Courts),

Mr. VINCENT SCULLY proposed to limit the Judges in Bengal to a number not exceeding twelve. As the Bill stood the Secretary for India would have an unlimited power of appointing Judges at salaries from £3,000 to £8,000 a year, a state of things which he deprecated.

Mr. VANSITTART asked the right

hon. Gentleman in what manner vacancies in the number of the Judges were to be filled up?

SIR CHARLES WOOD said, that the Judges would be appointed by Her Majesty. With respect to the Amendment proposed by the hon. and learned Member for Cork, he could assure the Committee that there would be no desire on the part of the Government to have more Judges than were necessary. There were at present at Calcutta three of the Superior Court, and ten—five regular and five additional—of the Sudder Court; therefore, he did not wish to limit himself to twelve as he could not now state the precise number which would be necessary. There were at present thirteen; and he would not object to have the limit fifteen, but it did not follow that that number would be appointed.

MR. VINCENT SCULLY was willing to make the limit fifteen, but he must certainly object to an unlimited power of appointment.

Amendment withdrawn; clause amended by the insertion of the word "fifteen" and *agreed to.*

SIR HENRY WILLOUGHBY objected to the power proposed to be given to the Secretary of State to appoint as many Judges as he might think proper.

MR. VANSITTART wanted to know how the Judges were to be paid and appointed?

SIR CHARLES WOOD said, the object was to make such arrangements under the Bill as would ensure speedy justice in India. He hoped the Committee would not tie him down to a certain number of Judges until he had seen how the new system worked.

MR. HADFIELD moved to insert the words "or attorneys" after the word "barristers," his object being to give the right hon. Gentleman a wider choice in appointments.

SIR CHARLES WOOD said, he should be sorry to enter into a discussion on the comparative merits of the two classes of lawyers. He saw no reasons for departing from the qualifications imposed by the present law, and he must, therefore, object to the Amendment.

Amendment *negatived.*

MR. VANSITTART moved an Amendment making it necessary that a barrister shall be of ten years' standing before being eligible for a Judgeship, instead of five, as proposed by the clause. Ten years was the standing required from the members of the covenanted Service, and they passed through a much more severe and complete preparation than barristers.

Amendment proposed, in page 2, line 3, to leave out the word "five," and insert the word "ten."

SIR CHARLES WOOD said, that five years was the present qualification, and, having been found sufficient to secure competent persons for the office, he was not disposed to alter it.

Question put, "That the word 'five' stand part of the Clause."

The Committee *divided:*—Ayes 99; Noes 41: Majority 58.

MR. VINCENT SCULLY said, the effect of the Bill would be to swamp the Courts by the admission of untrained Civil Servants, who ought to be barristers. He would propose that a moiety of the Court should be barristers, and he would, therefore, move to leave out "one-third" and insert "one-half."

SIR CHARLES WOOD said, the object he had in view was to insure a due proportion both of lawyers and civilians. The Government wanted the legal knowledge of the lawyers with the local knowledge of the Civil Servants. The Bill, therefore, provided that one-third of the Judges should be barristers and one-third Civil Servants, leaving it to the Government to choose the remaining third from either one class or the other, or from Natives or other qualified persons. To insist on one-half of the Judges being barristers would give the lawyers an undue proportion.

MR. J. B. SMITH quoted the opinion of an eminent Sudder Judge to show that a previous knowledge of the principles of law was most desirable as regarded the Judges, and he thought the Motion of his hon. Friend was a very reasonable one.

MR. VINCENT SCULLY denied that he had brought forward this Motion in any legal sense. He submitted it in the public interest.

MR. KINNAIRD supported the Government proposition.

Amendment *negatived.*

MR. ADAM, in line 16, moved to leave out the words "including the Chief Justice," the effect of which would be to leave the office of Chief Justice open to other than barristers. He contended that it was extremely probable that civilians who had acted as Judges, having to deal with questions of Mahommedan and Hindoo law, might be more qualified to act as supreme Judges than barristers. He trusted this "rag of exclusion" would not be kept up at a time when throwing open these offices was the general principle of legislation.

SIR CHARLES WOOD had endeavoured to constitute the Court as fairly as he could between the two professions. The courts in which justice was administered by English lawyers had given great satisfaction. He thought it essential that the Chief Justice should be a trained lawyer.

Amendment *negatived.*

MR. J. B. SMITH moved as an Amendment to insert in line 18, after "service," the words "Provided also that hereafter no member of the Civil Service shall be appointed a Judge of such High Court who shall not have previously undergone a legal training." He had known men in India who had never decided a case nominated to the Sudder Bench. Suppose, instead of the eminent lawyer who had just been made Lord Chancellor, the Government had appointed a Commissioner of Inland Revenue or a Receiver of Customs, what would have been said? This class of officers were appointed Judges in India; yet it was not a court of first instance, but a high court of appeal.

Amendment proposed, in line 18, after the word "service," to insert the words "and provided also, that hereafter no member of the Civil Service shall be appointed a Judge of such High Court who shall not have previously undergone a legal training."

SIR CHARLES WOOD said, the members of the Civil Service had considerable legal training. By the proposed constitution of the Court their knowledge of the country would be combined with the regular legal training of the other Judges.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 5; Noes 120: Majority, 115.

Clause 3 (Existing Judges of Supreme Court, and Court of Sudder Dewanny Adawlut to be the First Judges of the High Court),

MR. VINCENT SCULLY moved the insertion of words in the clause to the effect that any Judge of the Supreme Court at present in office should be allowed to resign at any time with the same retiring pension that he would be entitled to if he had served ten years at the time of the passing of this Bill. The Bill, he said, proposed to impose upon the Judges much more onerous and laborious duties than they had hitherto been called upon to perform, and they ought, therefore, to have the option of continuing in office, or retiring under the circumstances suggested by his Amendment.

SIR CHARLES WOOD opposed the Amendment. No Judges earned their retiring pensions so easily as the Judges of India. No less than £22,000 a year was at present paid in the shape of retiring pensions to such Judges. The effect of the Amendment, if agreed to, would be to enable any existing Judge, no matter how short his term of service, to retire with a full pension.

MR. VINCENT SCULLY considered the right hon. Gentleman's reply unsatisfactory, and, therefore, said he should divide the Committee upon the point.

THE CHAIRMAN ruled that the Amendment could not be put, inasmuch as its operation would be to impose a charge on revenue which must, in the first instance, be sanctioned by a Committee of the Whole House.

Clause *agreed to.*

Clause 4 (Tenure of Office of High Court),

MR. VINCENT SCULLY moved the insertion of the words "their good behaviour respectively," in lieu of the words, "Her Majesty's pleasure," his object being to make the practice in India correspond with that in this country, where Judges were independent of the Crown, so long as they continued properly to discharge the duties of their office.

SIR CHARLES WOOD opposed the Amendment. It was not desirable to make any more change in the existing system than was absolutely necessary; and the clause as it stood simply went to maintain a system which had hitherto been found to work satisfactorily in India.

Amendment *negatived;* Clause *agreed to.*

Clause 5 (Precedence of Judges of High Courts),

MR. AYRTON moved the insertion of words at the end of the clause for the purpose of saving the prerogative of the Crown in regard to fixing the precedence of the Judges.

SIR CHARLES WOOD saw no objection to these words.

MR. VINCENT SCULLY saw great objection to them, and thought them most unconstitutional. There was a see-saw system going on in respect of this Bill between the hon. Member for the Tower Hamlets, who was backing him, and the Secretary of State for India.

Amendment *agreed to;* Clause *ordered* to stand part of the Bill.

Clause 6 (Salaries, &c., of the Judges of the High Courts).

SIR JAMES ELPHINSTONE asked whether the Civil Servants called upon to act in these Courts would receive the same retiring pension as the legal members? At present these Civil Servants were entitled on their retirement to superannuations of £1,000 a year, one-half of which had been contributed by themselves in the shape of deductions from their pay; whereas the legal members of these Courts would receive pensions of £1,200 to £1,600.

SIR CHARLES WOOD believed the Civil Members of the Courts would be entitled to their Civil Service superannuation.

SIR JAMES ELPHINSTONE said, that great injustice would be done to these Civil Servants if they were not put on an equal footing with the legal members of these Courts.

MR. VANSITTART said, this important point ought not to be discussed at that late hour (one o'clock). It was most unfair to reduce the pension of these highly qualified Civil Servants below that of mere barristers of five years' standing.

SIR CHARLES WOOD said, that the Civil Servants had not hitherto been entitled to anything else than their superannuation allowance; but it would be in the power of the Secretary of State in Council to consider their claim to something further.

MR. E. P. BOUVERIE thought the Bill would give the Government great power over these Judges, and suggested that words should be introduced into the clause on the Report, limiting the authority of the Secretary of State in Council to make regulations with respect to their emoluments and pensions, so that whatever was done in the matter might apply to the Judges generally, and not to individual cases only.

SIR CHARLES WOOD promised to adopt the suggestion.

SIR JAMES ELPHINSTONE moved that the Chairman report Progress.

Motion *negatived.* Clause *agreed to.*

MR. HENNESSY inquired whether, as this Bill seriously affected the bar of India, it had been when drawn submitted to the present Lord Chancellor, who was then first law officer of the Crown?

SIR CHARLES WOOD said it was not.

Remaining Clauses *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered on *Monday* next.

SUPPLY—CIVIL SERVICE ESTIMATES.

Order for Committee (Supply) read.

House in Committee; Mr. MASSEY in the Chair.

£250,000 on account Packet Service.

MR. PEEL hoped the Committee would consent to vote £250,000 on account of payments to the contractors for the conveyance of mails by sea. These payments were payable quarterly, and at the end of this month the different Companies under contract would send in their claims. The only available source from which they could be paid was a Vote taken in the course of the year, and this was the last night on which the Vote could be granted, if granted at all.

Vote *agreed to.*

House *resumed.*

Resolution to be reported *To-morrow;* Committee to sit again *To-morrow.*

COURTS OF JUSTICE BUILDING BILL.

THIRD READING.

Order for Third Reading read.

Motion made and Question proposed, "That the Bill be now read a third time."

MR. LYGON complained that they were about to sanction the expenditure of a million and a half of money for building these concentrated Law Courts without having as yet decided on the site. The Commissioners had taken only evidence respecting one scheme, that of the Incorporated Law Society, while there were two other plans suggested. One was to provide for all the Equity Courts in Lincoln's Inn, and the other to concentrate all the Law Courts in Lincoln's Inn Fields, the trustees of which were willing to expend the whole amount received for the site in carrying out metropolitan improvements. He, therefore, moved that the order for the third reading be discharged, and that the Bill be recommitted.

Amendment proposed, to leave out from the word "That," to the end of the Question, in order to add the words "the Order for Third Reading be discharged,"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. COWPER said, that the subject had undergone more consideration than the hon. Gentleman supposed. There had been a Committee in 1842, and another in 1845. Sir Charles Barry was at first in favour of the Lincoln's Inn Fields scheme, but subsequently gave evidence in favour of that now proposed by this Bill. The object was to concentrate all the law courts upon one spot, or in immediate contiguity, and in that respect the Lincoln's Inn Fields plan would be insufficient. The freeholders of Lincoln's Inn Fields proposed to give 3 acres or 3½ acres for that purpose, while the area in this Bill was 7 acres. He must press the Bill now, because, having to pass the Standing Orders of the House of Lords for a private Bill, postponement would be equivalent to rejection. The House could not be committed to the scheme by assenting to this Bill, because another Bill, the Courts of Justice Money Bill, contained the operative clauses, and he would take care that there should be ample time for discussion before that Bill passed.

Mr. Alderman COPELAND thought that the site in Lincoln's Inn was preferable to the one proposed in the Bill, and would give five acres. He was afraid that the scheme favoured by the Government would involve an expenditure of at least £2,000,000.

Mr. SELWYN said, the Government were pressing the Bill forward in a manner calculated to stifle all discussion. If the House were hastily to pass the Bill they would prevent the adoption, even the consideration, of a speedy, easy, and inexpensive plan for the accommodation of the Courts of Equity. In 1859 the Society of Lincoln's Inn offered to provide from their own funds, upon their own land, sufficient accommodation for the Courts of Equity, in return for which all they asked was 4 per cent upon the money actually expended by them, the sum so paid to them not to exceed, under any circumstances, £4,000 a year. The plans had been prepared and approved by all the Equity Judges, and they would have been carried out long ago but for this gigantic and visionary scheme of the Government, which would cost at least £2,000,000. He maintained, moreover, that the Suitors' Fund should be applied to other purposes than those of building courts of common law. The present Lord Chancellor was of the same opinion; and there could be no doubt, in fact, that the scheme of the Government virtually amounted to a confiscation of the Suitors' Fund. If the Bill were recommitted, he should propose the adoption of the plan submitted by the Society of Lincoln's Inn in 1859, and, therefore, he hoped the House would agree to the Amendment of the hon. Member for Tewkesbury.

Sir WILLIAM JOLLIFFE said, that if the Government were to give the House an assurance that the question of site would be reconsidered, he should advise his hon. Friend to withdraw his Amendment.

Viscount PALMERSTON believed it was the general opinion of the legal profession that it would be an enormous advantage to the public if the plan now proposed were carried out. There were insurmountable objections to building the Courts in Lincoln's Inn Fields. If the Courts were erected there they would occupy a vacant space in a part of the town where a vacant space was much needed. He doubted, moreover, whether Lincoln's Inn Fields would be large enough for the purpose. The loss of time and of money arising from the present scattered position of the Courts was well known, and he really hoped the House would not object to the passing of this Bill. If the Money Bill, which was the Bill that would determine the matter, should not pass, the whole scheme must fall to the ground; but the present Bill was necessary in order to enable the Government to carry out the arrangements provided by the other measure. The money was to come out of the Suitors' Fund, and it was only a contingent liability to the public—a liability, moreover, which he hoped would never be practically felt.

Mr. LYGON said, that if the money Bill were referred to a Select Committee, with an Instruction to consider the question of site, he should have no objection to withdraw his Amendment.

Mr. COWPER stated that a Select Committee had already agreed upon a site. He did not know whether the Money Bill was so drawn that the question of site would properly come within the order of reference; but, for his own part, he should have no objection to the reconsideration of that matter.

Mr. LYGON said, there might be a special preference, and upon that understanding he begged to withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 3°, and *passed.*

House adjourned at Two o'clock

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CLXIII.

THIRD VOLUME OF SESSION 1861.

EXPLANATION OF THE ABBREVIATIONS.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.*, First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

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ERRATA.

Page 195, *line* 15 *from bottom, for* "Petition to lie on the Table" *read* "Correspondence to lie on the Table."
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